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IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT - LAW DIVISION

JESSE ESCAMILLA, as Special
Administrator of the Estate of
TELESFORA ESCAMILLA, Deceased

Plaintiff,

vs.

CASE NO.: 17 L 000060

AMAZON.COM LLC, et al.,

Defendant.

DEPOSITION OF

LEONARD WRIGHT (Inpax Shipping)

January 25, 2019

11:00 a.m.

100 Hartsfield Centre Pkwy
Atlanta, Georgia

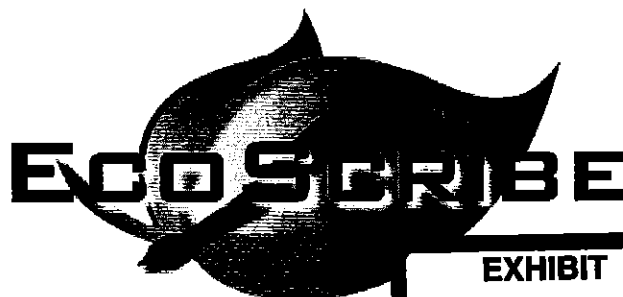
Shari L. Snow, CCR #B-2258

Job No. 29626

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EXHIBIT

6

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1	DEPOSITION OF LEONARD WRIGHT
2	January 25, 2019
3	LEONARD WRIGHT,
4	being first duly sworn, was examined and
5	testified as follows:
6	EXAMINATION
7	BY MR. FISHER:
8	Q State your name and spell your last name for
9	the record, please.
10	A Leonard Wright.
11	MR. FISHER: Let the record reflect
12	this is the discovery deposition of Leonard
13	Wright taken pursuant to notice. Let the record
14	further reflect this deposition will be taken in
15	accordance with all applicable Circuit Court of
16	Cook County rules and codes.
17	BY MR. FISHER:
18	Q Mr. Wright, you've indicated to me before we
19	started today that you've given some prior
20	depositions. Approximately how many times have you
21	given depositions, would you say?
22	A Once.
23	Q When was that, approximately?
24	A Seven years ago.
25	Q Did it have to do with one of your Inpax

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15	(Original exhibits retained by Mr. Fisher.)
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25	

Page 5	
1	companies?
2	A Yes.
3	Q Did it have to do with someone being injured
4	and naming an Inpax company as a defendant?
5	A No.
6	Q In that deposition my guess is they probably
7	gave you some ground rules. I'm going to give you
8	ground rules for this deposition, and they're pretty
9	easy. Most importantly, if for any reason you do not
10	understand a question that I ask of you today, will
11	you please let me know?
12	A Sure.
13	Q Okay. If you answer my questions, I'm going
14	to assume you understood the question; is that fair?
15	A Yep.
16	Q All right. I'm going to be asking you
17	questions about Inpax. I'm going to be asking you
18	questions about an occurrence that involved someone
19	who perished as a result of the accident and that
20	family and the circumstances regarding Mr. Gray's hire
21	and working for one of your companies.
22	If you don't remember something or you don't
23	know something in response to a question I ask, you
24	have to tell me that, okay?
25	A Okay.

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1 Q I understand because some time has passed
2 you may not know or remember all the things, and
3 that's perfectly fine.
4 A Yes.
5 Q All right. Last thing. Our court reporter
6 is Shari and she's taking down everything that we're
7 saying. And she has a very difficult time taking down
8 a gesture like a nod of the head or words like
9 mhm-hm (affirmative) and uh-uh (negative).
10 A Yeah.
11 Q So if you mean yes, say yes; if you mean no,
12 say no. Good?
13 A Got it.
14 Q All right. So let's get started. Where do
15 you live?
16 A Atlanta, Georgia.
17 Q What's the street address?
18 A 2634 Anastasia Cove, Decatur, Georgia 30033.
19 Q How long have you lived at that address for,
20 approximately?
21 A Two years.
22 Q Any plans on moving from that address?
23 A No.
24 Q Who do you live there with?
25 A By myself.

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1 A (229)886-8261.
2 MR. FISHER: And, Terry, whether
3 Mr. Wright is employed by an Inpax entity or not
4 at the time of trial, are you going to make
5 him -- at least will you be my contact to reach
6 out to him?
7 MR. McAVOY: Yes.
8 MR. FISHER: Okay.
9 BY MR. FISHER:
10 Q What's your date of birth?
11 A 8/11/63.
12 Q Could you describe your highest level of
13 education?
14 A College degree.
15 Q What was your degree in and what school did
16 you graduate from?
17 A Albany State College.
18 Q What was the degree?
19 A Physical education.
20 Q Did you attend high school in the Atlanta,
21 Georgia area?
22 A Lee County High School.
23 Q Is that in Georgia?
24 A Mhm-hm (affirmative).
25 Q Okay. That's a yes?

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1 Q What's your marital status?
2 A Single.
3 Q Have you ever been married?
4 A Yes.
5 Q For how long have you had a single status?
6 A Nine years.
7 Q Okay. If somehow we lose track of you
8 before this case goes to trial in Cook County, is
9 there someone here in the Atlanta area or the Chicago
10 area that typically would know where you are, a
11 brother, a parent, something like that, who I promise
12 not to reach out to unless we just can't find you?
13 A Sure.
14 Q Who would that be?
15 A My daughter.
16 Q What's her name?
17 A Morgan Wright.
18 Q And is she here in Atlanta?
19 A Yes.
20 Q Do you happen to have an address for her, a
21 street address and a telephone number?
22 A I got the phone number.
23 Q I'll take it. And again, I promise I
24 wouldn't use it for any other purpose but just to find
25 you.

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1 A Yes.
2 Q No problem. We're used to doing that so
3 I'll correct you if I have to, if I remember.
4 A Fine.
5 Q Ever serve in the military?
6 A No.
7 Q Ever been a member of a union?
8 A No.
9 Q Teamster or otherwise?
10 A No.
11 Q Okay. I apologize for the nature of the
12 next couple of questions the law permits me to ask. I
13 mean no disrespect. Have you ever been convicted of a
14 felony?
15 A Yes.
16 Q One time or multiple felonies?
17 A One.
18 Q And do you know what the nature of the
19 felony was, what was the charge?
20 A Drugs.
21 Q Okay. Did you serve time?
22 A Yes.
23 Q How much time did you serve?
24 A Three years.
25 Q Where was the -- did you have a trial or did

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1 you plead guilty?
2 **A Guilty.**
3 Q Okay. And where was that at, what county
4 and state?
5 **A It's Chattanooga, Tennessee.**
6 Q And when was that, when is it that you pled
7 guilty, what year?
8 **A 1997.**
9 Q And that's the only felony?
10 **A Right.**
11 Q Okay. And have you ever been charged with
12 any crimes where you were alleged to have committed a
13 crime of fraud or dishonesty?
14 **A No.**
15 Q Okay. Can you tell me a little bit about
16 your work history. Are you currently employed?
17 **A Yes.**
18 Q Who are you employed with?
19 **A Inpax.**
20 Q I've looked up on the corporate indexes,
21 et cetera, there's a number of Inpax entities out
22 there. Are you employed by all of them or do you have
23 some role in all of those companies?
24 **A Yes.**
25 Q Okay. So let's start off with I think the

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1 **A And Inpax Final Mile Delivery.**
2 Q Any others?
3 **A That's it.**
4 Q At the time that I filed this lawsuit, there
5 was a company that had the name DCH Inpax, LLC. Are
6 you familiar with that company?
7 **A Yes. So basically when you do delivery**
8 **service, you have to get a DOT number in that state in**
9 **order to do business in that state. So you have to**
10 **create a entity just for a DOT number.**
11 Q Okay. When you create an entity, do you
12 create a corporate entity or do you create an entity
13 that's doing business that's a wholly owned subsidiary
14 of one of the other companies? How do you do it?
15 **A So basically you just have to get a state**
16 **business license --**
17 Q Okay.
18 **A -- and that particular site in Chicago was**
19 **just DCH, whatever you got that number is right there.**
20 Q Okay. So DCH Inpax, LLC?
21 **A Does no business. It's just a -- you have**
22 **to get -- in order to get a license to deliver in that**
23 **state, you have to file a -- you can't be the same**
24 **name in every state.**
25 Q I think I understand. I'm just wondering

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1 easiest one first, which is, do you know of a
2 gentleman by the name of Valdimar Gray?
3 **A No.**
4 Q Well, do you understand that he was involved
5 in a traffic accident in Chicago in December of 2016
6 where he killed a woman?
7 **A Yes.**
8 Q Okay. At that time, was he working for one
9 of your companies, as you understood it?
10 **A Yes.**
11 Q What company was it that Valdimar Gray was
12 working for?
13 **A Inpax.**
14 Q Which one?
15 **A Shipping Solutions.**
16 Q And I think it has an "Inc." at the end,
17 incorporated, correct?
18 **A Yes.**
19 Q Okay. So we know that's one of them. Can
20 you tell me the names of the other Inpax companies
21 that exist with different names but the word "Inpax"
22 or doing the same thing that Inpax does that you're
23 part of?
24 **A Yes. We have Ship Inpax Logistics.**
25 Q Okay.

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1 what the corporate status of DCH Inpax, LLC is. Is it
2 a separate corporate entity?
3 **A Yes.**
4 Q Did you have to have it incorporated?
5 **A Yes.**
6 Q Are you an owner of that company?
7 **A Yes.**
8 Q Does that company still exist today?
9 **A Yes.**
10 Q Is that the company in Illinois that has
11 the -- is it the Federal DOT number?
12 **A It's a state DOT number.**
13 Q Okay. Did that company in that name enter
14 into any shipping agreements with any Amazon company?
15 **A No.**
16 Q Okay. Are all of the agreements with
17 companies like Amazon, are they all -- do they all --
18 do they all enter into agreements with Inpax Shipping
19 Solutions, Inc.?
20 **A Yes.**
21 Q Do you happen to know the State Department
22 of Transportation number for DCH Inpax, LLC?
23 **A No.**
24 Q Is it your understanding in order to be
25 involved in the courier and shipping business in the

<p style="text-align: right;">Page 14</p> <p>1 state of Illinois in 2016 a company had to have a 2 Department of Transportation number? 3 A Yes. 4 Q Okay. So let's go back. Inpax Shipping 5 Solutions, Inc., when did you -- as I understand it, 6 you're the owner of that company? 7 A Yes. 8 Q I read your website. 9 A Yes. 10 Q When did that company start to do business 11 under that name, approximately? 12 A 2011. 13 Q Okay. And it continues to do business 14 today? 15 A Yes. 16 Q I saw on the website you started that 17 business with a single vehicle and yourself? 18 A That's correct. 19 Q And you've grown that business to what now? 20 How many employees do you have? 21 A Over a thousand. 22 Q Congratulations. 23 A Thanks. 24 Q And in what states does Inpax Shipping 25 Solutions, Inc. or one of its local subsidiaries such</p>	<p style="text-align: right;">Page 15</p> <p>1 as what we've been talking about, DCH Inpax, LLC, in 2 what states does the company do business? 3 A Georgia, North Carolina, Florida, Ohio, 4 Illinois, Texas. 5 Q That's it? 6 A Yep, that's it. 7 Q Okay. And do you know in the last year, 8 in -- let's take 2017 -- what the revenue of that 9 company/companies were? 10 A '17? In '17? 11 Q Let's say '17 because maybe you don't have 12 '18 done yet. 13 A Yeah. 43 million. 14 Q And what's your title with Inpax Shipping 15 Solutions, Inc.? 16 A The CEO and president. 17 Q And it's a closely held corporation; in 18 other words, it's not publicly traded? 19 A That's correct. 20 Q So you own shares of stocks in the company? 21 A Yes. 22 Q What's your percentage of ownership? 23 A 90. 24 Q What was your percentage of ownership in 25 December of 2016?</p>
<p style="text-align: right;">Page 16</p> <p>1 A 100. 2 Q And are there multiple other shareholders 3 now or just a single other shareholder? 4 A Single. 5 Q Your daughter Morgan? 6 A No. 7 Q Who's the other shareholder now? 8 A David Williams. 9 Q And who is David Williams to you? 10 A CFO. 11 Q Was Mr. Williams working for the company 12 back in 2016? 13 A Yes, but just as a -- 14 Q Employee? 15 A He was a contractor. 16 Q Oh, okay. Did David Williams, as a 17 contractor, do business under a particular name? 18 A Yes. 19 Q What name did he do business under? 20 A Williams Financial. 21 Q But now he's a full-blown employee and part 22 owner? 23 A Yes. 24 Q And also an officer? 25 A Yes.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q So who are the other officers of the company 2 now? You're the CEO-president, he's the CFO. Any 3 other officers of the company currently? 4 A My daughter is secretary. 5 Q Morgan? 6 A Morgan, yes. 7 Q How old's Morgan, by the way? 8 A 27. 9 Q And does that name all the officers? 10 A Yes. 11 Q Does she have any other title with the 12 company besides secretary, which is a corporate title? 13 A She's just payroll administrator. 14 Q Was she the secretary of Inpax Shipping 15 Solutions, Inc. back in December of 2016 also? 16 A Yes. 17 Q How did you decide to get into the 18 shipping/courier business? 19 A Out of college I used to work for a software 20 company that we manufactured and produced diskettes. 21 So, you know, now everything is downloaded, right? 22 Q Yep. 23 A Back then you had to have 10 diskettes. So 24 we would get the master file from, say, Peachtree 25 Software and make 20 million copies of that and</p>

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1 **distribute it. And we used, you know, trucking**
2 **companies, courier companies, and I was over the**
3 **production and the fulfillment and shipping. So I**
4 **just decided one day I'm going to get into the courier**
5 **business. We do a lot of courier work. That's how I**
6 **started.**
7 Q It's not something that runs in your family
8 per se; you're the first one?
9 A **Right.**
10 Q Okay. Impressive story.
11 So before I get back into Inpax and what I
12 want to know in this case, I just want to get through
13 your work history. Before you started Inpax Shipping
14 Solutions, were you employed?
15 A **Yes.**
16 Q Who were you employed with immediately
17 before you started the company?
18 A **The Software Factory.**
19 Q What was the name of the company?
20 A **The Software Factory.**
21 Q Georgia company?
22 A **Yes.**
23 Q Were you an owner of that company, a
24 shareholder?
25 A **No.**

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1 **means on and "pax" means packages. So I just said**
2 **"packages on a truck."**
3 Q Got it.
4 A **That's how I came up with it.**
5 Q No, it's interesting. I was wondering.
6 So basically that's your, at least from the
7 time of college on, that we've now discussed, your job
8 history?
9 A **Right.**
10 Q Okay. Have you yourself ever hauled
11 sundries with semi tractor-trailers; in other words,
12 have you ever been a commercial truck driver?
13 A **No.**
14 Q So the kind of work that Valdimar Gray was
15 doing on the day of the occurrence, he's using a cargo
16 van, I think they refer to it as, and he's delivering,
17 I guess, smaller packages, not big packages. What's
18 that field of delivery service called? Does it have a
19 name?
20 A **Usually, courier work.**
21 Q Okay. And did you yourself at any point in
22 time actually do courier work before starting your
23 companies?
24 A **No.**
25 Q Have you ever worked directly for Amazon or

Page 19

1 Q What was your title there?
2 A **Production shipping manager.**
3 Q And from when to when were you with The
4 Software Company, approximately?
5 A **Right out of college, '86 through '93.**
6 Q What did you do between '93 and 2011 when
7 you incorporated Inpax Shipping Solutions?
8 A **From '90 --**
9 Q Part of that time was what we talked about
10 earlier?
11 A **Yes. So in 2000 is when I originally**
12 **started the business, which was it was RoadOne Express**
13 **at the time.**
14 Q Got it.
15 A **And then in 2009, obviously, the economy**
16 **crashed and I had to regroup and start over.**
17 Q Okay. And then under the Inpax name?
18 A **Well, the name started out as Ship Inpax.**
19 **And then I changed the name for marketing purposes in**
20 **2011 to Inpax Shipping Solutions.**
21 Q So does "Inpax" stand for something?
22 A **Yeah.**
23 Q What's it stand for?
24 A **It was just me Googling, playing around on**
25 **the computer, and in some type of Latin code "in"**

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1 an Amazon company?
2 A **No.**
3 Q So when Valdimar Gray started with Inpax,
4 which I think was sometime in 2016, as I understand
5 it -- is that your understanding?
6 A **I'm not sure.**
7 Q Okay. Do you know anything about how it was
8 that he was hired?
9 A **I know our process for hiring, but how he**
10 **was hired, no.**
11 Q So let's just talk about it just for two
12 seconds. Let's talk about the company's process
13 first. Would Inpax Shipping Solutions, Inc.'s process
14 be the same as DCH Inpax, LLC's process; it's all the
15 same?
16 A **DCH doesn't have a process.**
17 Q Okay. So Valdimar Gray is hired by Inpax
18 Shipping Solutions, Inc.?
19 A **Right.**
20 Q Okay. And that's who his employer is at the
21 time of the occurrence?
22 A **That's correct.**
23 Q And he's employed as a direct employee?
24 A **Yes.**
25 Q Is he a salaried employee, an hourly

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1 employee; how does it work?
2 **A Hourly employee.**
3 Q Okay. Was he a full-time employee, someone
4 that would have been entitled to benefits if they were
5 offered?
6 **A Yes.**
7 Q 32-plus hours a week?
8 **A Yes.**
9 Q And do you know who at Inpax Shipping
10 Solutions, Inc. hired Mr. Gray?
11 **A No.**
12 Q Do you know -- so Inpax Shipping Solutions,
13 Inc., do they have, back in -- let's use 2016 as your
14 point of reference. Did they have different offices
15 or locations in the Chicagoland area at that time?
16 **A Yes.**
17 Q Tell me the locations of the different Inpax
18 Shipping Solutions offices.
19 MR. McAVOY: In Chicago area?
20 BY MR. FISHER:
21 Q In the Chicagoland area in 2016.
22 **A So we work inside the building with Amazon.**
23 Q Okay.
24 **A So we don't have an office. Basically we**
25 **have sites that we work for Amazon. I can give you**

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1 standalone or its own actual office space; it named
2 its locations wherever it was doing work for Amazon,
3 at like the Amazon warehouses? Is that kind of how it
4 worked?
5 **A No.**
6 Q Okay.
7 **A So that's the reason why you have to have**
8 **that DCH --**
9 Q Okay.
10 **A -- DOT number.**
11 Q Got it.
12 **A So we just reported to work at the Amazon**
13 **warehouses.**
14 Q So where was the -- the entity known as DCH
15 Inpax, LLC with the Department of Transportation
16 number, did it have an address in the Chicagoland
17 area?
18 **A No.**
19 Q Did it have an address anywhere? In other
20 words, if the DOT has to send correspondences out,
21 where did they send them to?
22 **A Yeah. So I wouldn't know that address, but**
23 **we chose an address to be able to get that. I don't**
24 **know it, like, off -- I can get it for you.**
25 Q But it's in Chicagoland?

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1 **those cities.**
2 Q I saw on the website of your company
3 Amazon's not the only company that Inpax Shipping
4 Solutions provides services for; there's some other
5 large companies too.
6 **A Yes.**
7 Q KPMG, DHL and Fed Ex also use your company
8 to courier packages?
9 **A Yes.**
10 Q Okay. And they did so in 2012?
11 **A Yes.**
12 Q Was Amazon your biggest customer back at
13 that time, 2016?
14 **A Yes.**
15 Q In terms of volume?
16 **A Yes.**
17 Q I mean, what percentage of your company's
18 business came from Amazon, would you say, back in
19 2016?
20 **A 70 percent.**
21 Q Okay. I don't mean to repeat it, I just want
22 to make sure I understand and just tell me if I got
23 this right. Basically what happened as it pertains to
24 business in the Chicagoland area in 2016, Inpax
25 Shipping Solutions, Inc. didn't have its own

Page 25

1 **A Yes, yes.**
2 Q I mean, were there employees at that
3 location?
4 **A No.**
5 Q So Valdimar Gray gets hired, let's say, in
6 2016. Does he go somewhere to have an interview?
7 **A Yes.**
8 Q Where would he have gone to get an
9 interview, what were the possibilities?
10 **A The location at -- the Amazon location at, I**
11 **think it's 2800 Southwest Ave.**
12 Q Let's see if I've got this. I've got 2801
13 South Western?
14 **A Yeah, that's it.**
15 Q Okay.
16 MR. McAVOY: When you say that you mean
17 2801 South Western?
18 MR. FISHER: South Western Avenue,
19 Chicago, Illinois. Does that sound right?
20 MR. McAVOY: Right. And that's South
21 Western.
22 MR. FISHER: Correct, it's "South" and
23 then "Western".
24 BY MR. FISHER:
25 Q And that was an Amazon facility?

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1 **A Yes.**
2 Q Was that a warehouse? Was it an office
3 warehouse? What was it?
4 **A Office warehouse.**
5 Q Had you ever been out there?
6 **A Have I ever been there?**
7 Q Yes.
8 **A Yes.**
9 Q Had you been out there any time in 2016?
10 **A I'm not sure, but I'm quite sure I did visit**
11 **there in '16.**
12 Q Okay. I mean, is it your custom and
13 practice since you've been in business doing business
14 in Chicagoland that you get out there, you get out to
15 Chicago at least once or twice a year?
16 **A Probably more like four.**
17 Q Okay. When you go out to the Chicagoland
18 area with regards to your company, what do you go
19 there for, what's the purpose of those trips?
20 **A Meet the manager. May have a meeting. Meet**
21 **my manager, meeting with him. May have a meeting with**
22 **the Amazon manager.**
23 Q Okay. Had you ever met Valdimar Gray before
24 the day of this occurrence, personally?
25 **A I've never met him.**

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1 Inpax Shipping Solutions was doing business out of in
2 the Chicagoland area in 2016?
3 **A Yes.**
4 Q Is Inpax Shipping Solutions still doing
5 business out of those locations?
6 **A Only two.**
7 Q Which two remain?
8 **A Lisle and Mundelein.**
9 Q Okay. Would each of those locations in 2016
10 have had a Inpax manager for the Inpax operations
11 going on at those facilities?
12 **A Yes.**
13 Q So do you know which location Mr. Gray was
14 hired out of? Do you know if it was 2801, 8290 or any
15 of the others?
16 **A No.**
17 Q Okay. So let's talk about -- let's use
18 December of 2016 as your point of reference. Can you
19 tell me who the name of Inpax's highest ranking
20 manager was at the 2801 South Western Avenue facility?
21 **A Byron West.**
22 Q What was his title?
23 **A Inpax regional Chicago manager.**
24 Q Was he the highest ranking manager,
25 including over the managers at the Austin location,

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1 Q Have you ever spoken to him?
2 **A No.**
3 Q So we've got one Amazon location back in
4 2016 at 2801 South Western Avenue in Chicago?
5 **A Right.**
6 Q And was the second location that I know of
7 8290 Austin Avenue in Morton Grove?
8 **A Yes.**
9 Q That was also a Amazon warehouse location?
10 **A Yes.**
11 Q Besides those two locations in 2016, did
12 Inpax have other places where it was working in the
13 Chicagoland area?
14 **A Yes.**
15 Q What other places?
16 **A It's in Lisle.**
17 Q Okay. Was that also an Amazon facility?
18 **A Yes.**
19 Q Any others?
20 **A Mundelein.**
21 Q Mundelein is very close to where I live.
22 **A Oh, okay.**
23 Q And that was also an Amazon facility?
24 **A Yes.**
25 Q Is that -- are those the locations that

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1 the Lisle location and the Mundelein location at the
2 time?
3 **A I think just -- I'm not sure, but I think**
4 **just the South Western and Lisle.**
5 Q Would he have had an office at those
6 locations, at the Amazon Lisle office and the Amazon
7 Western Avenue location?
8 **A No.**
9 Q So he would show up at that location and he
10 would stand in the middle of the warehouse? Where
11 would he place his belongings, et cetera?
12 **A We have a station, like a table pretty much**
13 **in the warehouse --**
14 Q All right.
15 **A -- with our computers, and that's kind of**
16 **his office in the warehouse, yeah.**
17 Q And that is in the actual warehouse area?
18 **A Yes.**
19 Q All right. And then at the 2801 South
20 Western Avenue location, did he have any assistant
21 managers or people that assisted him in doing what his
22 job was?
23 **A Yes.**
24 Q And who was that at the 2801 location?
25 **A I don't know.**

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1 Q Okay. You don't recall?
2 A I mean, I don't know their names, but I know
3 what they do. He had dispatchers up under him.
4 Q The title of those people would have been
5 dispatcher; they were the next in rank?
6 A Yes.
7 Q Do you know how many different dispatchers
8 in December of 2016 were working out of the 2801
9 location? Would it have been one, two, three?
10 A If I had to guess, I would say three.
11 Q Best estimate?
12 A Estimate.
13 Q And is there a way -- I understand you might
14 not have that information off the top of your head,
15 but is there a way, are there records that would be
16 available if you asked someone to look for those
17 names, we could identify those people?
18 A Sure.
19 Q Do you happen to know who was dispatching
20 Valdimar Gray on December 22nd, 2016?
21 A No.
22 Q But there should be some record of who that
23 would have been?
24 A Yes.
25 Q On a particular day, Valdimar Gray, let's

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1 A Yes.
2 Q And then just to get an idea, but at the
3 8290 Austin location, who was the manager at that
4 location in December of 2016?
5 A I wouldn't know.
6 Q Don't remember?
7 A Uh-uh (negative).
8 Q And you just no, that's no?
9 A No.
10 Q Thank you.
11 Is that person still with the company,
12 whoever it was; do you have any idea?
13 A No.
14 MR. McAVOY: I think "no," he does not
15 know.
16 A Right. That's correct.
17 BY MR. FISHER:
18 Q Okay. Did I do a double negative?
19 MR. McAVOY: Kind of. Although I guess
20 I'll stipulate we've already disclosed Byron
21 West. I think a lot of these questions that
22 you're asking Mr. Wright can be answered by Byron
23 West.
24 MR. FISHER: I'm hoping so. I won't
25 know that until I ask 'em.

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1 say he's working at 2801 South Western, that's his
2 point of -- that's where he gets his... the packages.
3 If he has a dispatcher, would that be his dispatcher
4 for the whole day? That's the person that would
5 dispatch him throughout the day?
6 A Maybe mornings, and then another one comes
7 in midday.
8 Q Okay. And then if we talk about the Lisle
9 facility where Byron West was also the Chicago
10 regional manager at that facility, again, his under --
11 his immediate underlings in the hierarchy of the
12 company's authority would have been dispatchers?
13 A Yes.
14 Q Do you happen to know the names of any of
15 those dispatchers at Lisle?
16 A No.
17 Q Do you know how many there would have been;
18 again, best estimate, three?
19 A Three.
20 Q Below the rank of dispatcher, are there
21 other supervisors that were working for Inpax at these
22 facilities?
23 A No.
24 Q Did we just get to courier drivers at that
25 point and drivers?

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1 MR. McAVOY: Right.
2 MR. FISHER: I agree though.
3 BY MR. FISHER:
4 Q And how about the manager at the Mundelein
5 facility December of 2016, who was that?
6 A I don't know.
7 Q Is that person, to the best of your
8 knowledge, still working with the company or not?
9 A I could probably say not to that one.
10 Q Okay. Again, if I asked you to go back to
11 the office and have somebody pull certain records,
12 that we could identify these names?
13 A All of them.
14 Q Okay. As I understand it, Mr. West is no
15 longer employed by the company; is that true?
16 A That's correct.
17 Q When did he leave the employ of Inpax
18 Shipping Solutions, Inc.?
19 A '17 sometime.
20 Q Did he leave under good circumstances or was
21 he let go?
22 A Let go.
23 Q Was there a reason for that?
24 A I guess just lack of leadership, I would
25 say.

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1 Q Ultimately was that your decision?

2 A No.

3 Q Who makes that decision to let the regional

4 manager go?

5 A At that time I don't know who our -- I don't

6 remember who was our, like, national manager. But

7 whoever was over him at the time. It could have been

8 David at that time.

9 Q David who?

10 A Williams. He may have been in that role.

11 Q Did Byron West's dismissal in 2017 have

12 anything to do with the Valdimar Gray incident

13 involving Miss Escamilla?

14 A No.

15 Q Was there any discipline or reprimands

16 levied in your company to anybody as a result of the

17 Valdimar Gray-Escamilla occurrence?

18 A I'm not sure but I don't think so.

19 Q Is this the only time an employee of yours

20 has been involved in a traffic collision where someone

21 has perished as the result, that you know of?

22 A That's correct.

23 Q Okay. So let's talk now about the -- so I

24 think we've covered what I can get at this point.

25 In terms of dispatchers, if I asked you who

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1 know that from speaking with him. I think he worked

2 at some management at -- I think I can recall he was

3 with, is it the Tribune?

4 Q Okay. Did he have anything to do with the

5 delivery, the physical delivery of papers?

6 A No, he was a manager.

7 Q Okay. Just trying to get a sense of it. I

8 mean, did he have any background that you are aware of

9 when your company hired him in 2015 in the courier

10 service business?

11 A I'm not sure.

12 Q Do you know if he had ever been a courier

13 himself other than with your company before he was

14 named the regional manager?

15 A Not sure.

16 Q And, you know, just to get it straight, as

17 of December of 2016 his immediate boss or supervisor,

18 "he" being Byron West, would have been whom?

19 A Either David Williams -- he reported either

20 to David Williams or myself.

21 Q Was there a national manager that oversaw

22 the regional managers?

23 A Yes, at one time Charles Hollowell, but I

24 don't know if he was there at this time.

25 Q So I'm referring to just point of reference

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1 the dispatchers were at the Mundelein facility, I'm

2 assuming you wouldn't be able to tell me that off the

3 top of your head; is that true?

4 A Correct.

5 Q And the same would be true of the 8290

6 Austin; you wouldn't be able to tell me who the

7 dispatchers were; is that correct?

8 A Correct.

9 Q So in the Chicagoland area would it have

10 been Byron West back in 2016 who would have done the

11 hiring and firing of drivers or is it someone else?

12 A Him and other people would, but Byron, he

13 had the authority to hire and fire.

14 Q Did you play any role in hiring Byron West

15 when he was originally hired?

16 A No.

17 Q How long had he been with the company for

18 would you say before he was let go in '17?

19 A I think we started there in '15.

20 Q So he had been with the company between from

21 around 2015 until he was let go in 2017?

22 A Yes.

23 Q What was his background in the type of

24 business your company did; do you know?

25 A Well, he started with us as a driver. I do

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1 December of 2016. Was there someone at the company

2 with the title "National," you know, "National

3 Manager"?

4 A If Charles was there at that time, he would

5 be that guy.

6 Q What's his last name?

7 A Hollowell.

8 Q Just like it sounds?

9 A Yeah.

10 Q He might have been gone from the company by

11 December of 2016?

12 A May have.

13 Q If he was gone, would it have been David

14 Williams who was acting as the national manager?

15 A Yes.

16 Q Do you have written job descriptions for the

17 various titles that we've discussed here: Regional

18 manager, national manager, dispatcher, drivers?

19 A Yes.

20 Q Where would I find those titles? What

21 document contains those titles or is it something,

22 just individual documents?

23 A Individual documents.

24 Q Okay. Did these written job descriptions

25 exist back in December of 2016?

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1 **A Yes.**
2 Q Have they changed since then?
3 **A (There was no response.)**
4 Q Are the descriptions of these various titles
5 the same?
6 **A About the same.**
7 Q Okay. Do you have a... so I just want to
8 make sure I get the titles right when I ask for it.
9 So we've got national manager?
10 **A Mhm-hm (affirmative).**
11 Q I have regional manager?
12 **A Yes.**
13 Q Dispatcher?
14 **A Yes.**
15 Q And then would the couriers be referred to
16 as drivers or couriers?
17 **A Drivers.**
18 Q Okay. A regional manager like Byron West,
19 what did you understand in December of 2016 his
20 day-to-day job duties and responsibilities to be?
21 **A Hiring, firing -- hiring and firing drivers**
22 **and managing the day-to-day operations for Inpax.**
23 Q And because he had two different warehouses,
24 he was responsible -- he'd be going back and forth
25 between Lisle and Western Avenue?

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1 2016, the company was taking out tax and social
2 security withholding?
3 **A Yes.**
4 Q If Valdimar Gray needed to take a personal
5 day, a vacation day, a sick day, he would have to
6 clear that with his immediate manager, Mr. West?
7 **A Yes.**
8 Q If Mr. Gray was violating some Inpax company
9 rules, whatever they may have been, it would have been
10 Inpax through Mr. West that would have been
11 responsible for discipline or citation?
12 **A Yes. Well, the dispatcher could and**
13 **escalate it up to --**
14 Q Got it.
15 **A -- Byron.**
16 Q So any other job duties and responsibilities
17 you can think of that Mr. West was fulfilling in his
18 role as regional manager in December of '16 that you
19 haven't told me about?
20 **A No.**
21 Q Okay. Let's talk about the dispatchers.
22 We've already talked about it, and I understand you
23 don't recall individual names of dispatchers at those
24 various facilities.
25 Can you tell me what you understand their

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1 **A Yes.**
2 Q Okay. Can you describe for me what managing
3 Inpax's daily activities day to day would entail? I
4 understand he physically goes out to those locations.
5 What did you understand he would be doing?
6 **A He would make sure the dispatchers would get**
7 **all the vans loaded and packages in the vans to go out**
8 **for route delivery that day. And of course hiring and**
9 **recruiting.**
10 Q Okay.
11 **A Hiring and recruiting drivers.**
12 Q Anything else that you can think of?
13 **A No.**
14 Q Who handled things like payroll?
15 **A We do that here in Atlanta.**
16 Q Back-end work?
17 **A Yeah, here in Atlanta.**
18 Q Okay. So how would a driver like Valdimar
19 Gray, how would his hourly information get back to
20 Atlanta at that time, and is that electronic?
21 **A Yes. Clocks in on electronic time clock.**
22 Q And that's all transferred electronically
23 here to Atlanta?
24 **A Yes.**
25 Q And for Valdimar Gray, as of December of

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1 job descriptions would have been as dispatchers?
2 **A You know, helping, like I said, get the vans**
3 **lined up and loaded out. And they monitor the**
4 **drivers' performance throughout the day to make sure**
5 **we're delivering properly and on schedule.**
6 Q Okay. So getting the vans lined up. Would
7 the vans be returned each evening to a particular
8 location, one of those four locations?
9 **A Yes.**
10 Q Okay. The vans that drivers like Mr. Gray
11 would use in 2016, were those either owned or leased
12 by Inpax?
13 **A Yes.**
14 Q Did Inpax own certain vehicles like some of
15 those cargo vans or did they lease them all?
16 **A Lease them all.**
17 Q And was there a particular lessor that the
18 company used at that time?
19 **A Enterprise.**
20 Q Okay. And who was the person at Inpax that
21 arranged, that entered into the arrangement with
22 Enterprise for the leasing of all of these various
23 cargo vans; was that you or?
24 **A Yes, me.**
25 Q Okay. If the vans needed maintenance or

<p style="text-align: right;">Page 42</p> <p>1 repair during the course of a lease, who was 2 responsible to do that? 3 A We had warranty on it, so I think we used 4 Firestone back then. 5 Q What I'm asking, was that something 6 according to the leases that your company was entering 7 into with Enterprise as of 2016, if there was a 8 problem with a van, it needed maintenance, it needed 9 repair, would it be returned to Enterprise to do that 10 maintenance repair? 11 A No. 12 Q So that fell on Inpax? 13 A That's correct. 14 Q Okay. And then you had a -- some service 15 contract with another entity? 16 A That's correct. 17 Q Did you ever hear or learn of any 18 allegations with regards to the occurrence with 19 Mr. Gray and my client, Mrs. Escamilla, that there was 20 some defect in the cargo van he was using at the time 21 which he claims resulted in this occurrence in one way 22 or another? 23 A No. 24 Q You never heard about any mechanical 25 problems or anything like that?</p>	<p style="text-align: right;">Page 43</p> <p>1 A No. 2 Q Did you investigate into that? I mean, did 3 it ever come up at all that there was some mechanical 4 problem that resulted in this occurrence? 5 A No. 6 Q All right. So the task for a dispatcher of 7 getting the vans lined up, would the dispatcher assign 8 a driver in 2016 in the Chicagoland area to a 9 particular unit or particular van or would the drivers 10 day after day use the same vans over and over? In 11 other words, if Valdimar Gray is using Van 49, does he 12 use it every day? 13 A I'm not sure. 14 Q Okay. And when you say "get the vans lined 15 up," in the order in which they're going to be loaded; 16 is that what it was? 17 A Yes. 18 Q And how would the dispatcher know what order 19 and which vans would be loaded with what? Was that 20 done in coordination with Amazon? 21 A Yeah. Amazon supplies us a route, the 22 routes for the day, and we put them in the order that 23 we run them in. 24 Q And who would actually do the loading of the 25 packages into the cargo vans?</p>
<p style="text-align: right;">Page 44</p> <p>1 A The driver. 2 Q The driver would actually do that? Yes? 3 A Yes. 4 Q Was there a policy or procedure back in 5 December of 2016 as to how to load a cargo van, how to 6 secure that load? 7 A How to load was by the route sheet, so 8 however they were listed on the route sheet. 9 Q Whatever was getting delivered first would 10 be to the tail end of the van; whatever was being 11 delivered last would be towards the front of the van? 12 A That's correct. 13 Q Okay. How about in terms of a proper 14 procedure for stacking and securing that load in a 15 van, was there any company rule or policy or manual 16 regarding that? 17 A No, just load it to make it fit the van 18 to -- in order. 19 Q And were the packages that would fit into a 20 cargo van, were they secured in any way or were they 21 pretty much -- 22 A Floor loaded, all loose. 23 Q Okay. 24 MR. FISHER: Terry, I know you're 25 rolling your eyes. Off the record.</p>	<p style="text-align: right;">Page 45</p> <p>1 (Discussions were held off the 2 record.) 3 MR. FISHER: Back on the record. 4 BY MR. FISHER: 5 Q Would the dispatcher, before a particular 6 van went out of a facility in the Chicagoland area in 7 December of 2016, would he do the final check of a 8 cargo van's load to make sure everything was on there, 9 everything was in properly before the doors are 10 closed? Would that be part of the dispatcher's job? 11 A Well, he probably couldn't make sure 12 everything that was, probably, but, you know, as long 13 as this guy loaded everything that was staged right 14 there by the van, yes. 15 Q Okay. And it would be Amazon who would 16 stage the cargo for a particular load? 17 A Not necessarily. 18 Q Who would do that? 19 A So basically the way it works is, is Amazon 20 will have sorters come in at night, and they sort out 21 the routes and they -- we drive through the building 22 and they're just sitting right there and their routes 23 are just numbered in some numerical order. 24 Q Okay. 25 A So I guess, in a sense, yeah, the sorters.</p>

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1 Q And then would the dispatcher and the
2 drivers then move those loads into position?
3 A Yes.
4 Q In particular bays?
5 A Yes. Just go down the line and you pick
6 'em, yeah.
7 Q And then how would the dispatchers for Inpax
8 in December of 2016 monitor the driver's performance,
9 how would they go about doing that?
10 A Because on our software that we use, it's on
11 the screen of the -- the GPS is on the monitor on our
12 computer. So you can see his movements and how fast
13 he's going.
14 Q So back in December of 2016, once a driver
15 like Mr. Gray has his load and he leaves the facility
16 that he's gotten his load at, somebody at Inpax is
17 able to monitor his every movement?
18 A Yes.
19 Q On GPS?
20 A Yes.
21 Q And it would be the dispatcher that, whoever
22 his dispatcher was for that load, would be responsible
23 for doing that?
24 A Yes.
25 Q Making sure he's not going on a frolic and a

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1 2016 have more than one manifest for the day or would
2 typically he get a load and it would take him all day
3 to deliver?
4 A All day to deliver.
5 Q Okay. So I would ask for Gray's manifest
6 for that day?
7 A Yes.
8 MR. McAVOY: Would Inpax still have
9 that?
10 THE WITNESS: Probably not.
11 BY MR. FISHER:
12 Q Okay. What's the company policy with
13 regards to keeping that electronic data? I mean,
14 because it's --
15 A I'm quite sure you can go back and pull it
16 out of the device.
17 Q Okay.
18 A But not a hard copy paperwork.
19 Q If it's on the device, I'm sure it can be
20 printed somewhere?
21 A Yes.
22 Q Just has to be transferred to a printer?
23 A That's correct.
24 Q What I'm asking about is the data that, the
25 manifest data that would have been created in December

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1 detour?
2 A That's correct.
3 Q And that there's not any problems?
4 A That's correct.
5 Q Okay. And so when the driver like Mr. Gray
6 would get a load before he leaves whatever facility it
7 was, would there be some paperwork generated for that
8 load that he would be provided with? Now, I know in
9 some industries it's a bill of lading or something or
10 a delivery ticket. With Inpax in 2016, was there some
11 paper that accompanied the load?
12 A No.
13 Q It was all electronic?
14 A That's correct.
15 Q So if I wanted to know at the time of this
16 occurrence what load had been loaded onto Mr. Gray's
17 cargo van that day before the occurrence, what do I
18 ask for? What's that called?
19 A It was all scanned into the device.
20 Q I know, but if I -- I'm assuming that the
21 company has some way, if they ever needed it, they
22 could print out that load for that day. What do I ask
23 for?
24 A Probably his manifest.
25 Q So, and would a driver back in December of

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1 of 2016, you're unaware of anybody at the company
2 saying, at the end of every year we're going to delete
3 that data, correct?
4 A Yeah, correct.
5 Q And if someone created that policy at your
6 company, you would know about it, being the president
7 and CEO?
8 A Yes.
9 Q Would that manifest list the order in which
10 packages were delivered that day?
11 A Yes.
12 Q And the location?
13 A Yes.
14 Q Was there some time constraints or -- placed
15 on the drivers back in December of 2016; in other
16 words, you have to be in at a particular time and you
17 have to have completed your route at a particular
18 time?
19 A Yes. So you have to start at a certain time
20 and end at a certain time. You cannot drive over 10
21 hours in a day.
22 Q And I'm assuming with regards to Mr. Gray's
23 route the day of this occurrence, you wouldn't know
24 when he started and when he finished?
25 A No.

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1 Q And I also assume that you -- would it be
2 true that you don't know where in his delivery
3 manifest he was at the time of this occurrence,
4 whether he was closer to the beginning of it, middle
5 of it, end of it; is that true?

6 A I wouldn't know.

7 Q Okay. Has it occurred where a driver goes
8 over his or her 10 hours?

9 A I wouldn't know, but I imagine it's
10 possible.

11 Q What are they told? If you get to 10 hours
12 are they told to bring it back?

13 A You're supposed to come back, yes.

14 Q And then we'll redeliver with another
15 person?

16 A The next day.

17 Q Okay. What's the reasoning behind that
18 rule; do you know?

19 A No, we just -- our routes were you either
20 got eight-hour routes, nine-hour routes, 10-hour
21 routes.

22 Q And who put the routes together? Would it
23 have been the dispatchers?

24 A Yes. Well, we get the manifest from Amazon.

25 Q Right.

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1 A Yes.

2 Q Do you know if that happened on the day of
3 Mr. Valdimar's Gray, involving Mr. Gray?

4 A I'm not sure.

5 Q Okay. I would have to talk to either the
6 dispatcher or Mr. West?

7 A Gray, yes.

8 MR. McAVOY: Gray.

9 MR. FISHER: Or Mr. Gray.

10 BY MR. FISHER:

11 Q Okay. So let's talk about the Amazon
12 facilities managers or the facility contacts back in
13 December of 2016. Let's start with the Amazon
14 location that was located at 2801 South Western. Do
15 you know the name of the Amazon representative that
16 your company dealt with there?

17 A I can see his face, but I can't remember his
18 name. He's not there anymore.

19 Q Okay. Can you recall the names of
20 any Amazon employees who worked with your company at
21 2801 South Western Avenue in Chicago as of December of
22 2016?

23 A No.

24 MR. McAVOY: Other than Jeff Base-less
25 (levity)?

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1 A So the sorters at night put the routes
2 together.

3 Q But what I'm assuming is, I'm assuming
4 somebody -- because it just makes sense to me, that
5 somebody, before you send drivers out with a loaded
6 cargo van, when the loads are being calculated,
7 there's an effort to put packages that are going in
8 the same geographical area in the same van?

9 A Yes.

10 Q Who does that? Who did that back in
11 December of 2016?

12 A Amazon sorted that.

13 Q Okay. So we've talked about the dispatchers
14 now. If a dispatcher was monitoring a particular
15 driver on a particular day in 2016 and that driver was
16 starting to run behind in that dispatcher's opinion,
17 was the dispatcher charged with the responsibility of
18 making contact with that driver for the purposes of,
19 you know, trying to get things sped up or something
20 like that?

21 A So what we do in a situation where we deem a
22 guy's falling behind on his route, we send another
23 driver to help.

24 Q And they would meet up somewhere and
25 transfer some of the packages?

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1 MR. FISHER: Other than him.

2 BY MR. McAVOY:

3 Q How about -- same question. How about, do
4 you recall the name of the Amazon rep at the
5 Austin-Morton Grove location in December of 2016?

6 A No, I don't remember him either.

7 Q Do you know out of what location Mr. Gray
8 was dispatched out of on the day of this occurrence,
9 before it happened?

10 A (There was no response.)

11 Q Do you know if it was out of the South
12 Western, the Austin, the Lisle, the Mundelein?

13 A I would be guessing, but I think it's the
14 South Western.

15 Q Okay.

16 A I think.

17 Q And if I asked you the same questions about
18 Lisle and Mundelein, the Amazon representative who had
19 the most contact with the Inpax people at those two
20 locations on that day, at that time?

21 A Now, I do know the Lisle guy; he's still
22 there.

23 Q Who's the Lisle guy?

24 A Steve Fearaday.

25 Q How do I -- do you know how to spell his

Page 54

1 last name?
2 **A Fear, F-E-A-R.**
3 Q D-A-Y?
4 **A Fearaday, A-D-A-Y.**
5 Q Thank you. Do you know what his title was?
6 **A He was the station manager.**
7 Q Would that have been the person, the title
8 of the person at Amazon at these four locations that
9 would have had the most contact with Inpax at these
10 locations regarding deliveries?
11 **A The station manager.**
12 Q Station managers?
13 Okay. So was there... Inpax Shipping
14 Solutions, Inc., did it enter into some contract
15 arrangement with an Amazon entity for providing
16 courier services to Amazon at that time? Again, let's
17 use 2016 as your point of reference. Was there a
18 written agreement?
19 **A For those stations or just in general?**
20 Q Well, I don't know. Let's start with in
21 general. Was there some general agreement that --
22 between Inpax and an Amazon entity for the entire
23 country?
24 **A Yes.**
25 Q Okay. Were you the person who negotiated

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1 It appears, though, that Mr. Gray applied
2 for his position on or around September 27th of 2016
3 based on the top of the first page. Do you have any
4 reason to disagree that that was the approximate time
5 that Mr. Gray would have applied for a position with
6 Inpax?
7 **A I wouldn't know.**
8 Q Okay. So Kimberly Clark, do you know who
9 she is?
10 **A Mhm-hm (affirmative), yes.**
11 Q Who is Kimberly Clark?
12 **A She works in our accounting department.**
13 Q Back in 2016 was she part of -- did she have
14 recruiting responsibilities?
15 **A No.**
16 Q Okay. How is it that drivers were recruited
17 in the Chicagoland area; I mean, would they hold job
18 fairs, would they put ads in the paper, ads on, you
19 know, Monster?
20 **A Indeed.**
21 Q Indeed?
22 **A Yes.**
23 Q Okay. So most of that recruiting was
24 electronic?
25 **A Yes.**

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1 that agreement, the one that would have been in effect
2 in December of '16 --
3 **A Yes.**
4 Q -- on behalf of Inpax?
5 **A Yes.**
6 Q Okay. Before I get to that, let me -- I
7 don't want to -- I'm jumping around too much. Let me
8 come back to that in just a second.
9 Let's talk about the company's policy when
10 it hires drivers like Valdimar Gray back when he was
11 hired. And I think I have a document that talks about
12 when Mr. Gray was hired.
13 (Document marked for identification
14 as Plaintiff's Exhibit 1.)
15 BY MR. FISHER:
16 Q For the record, what I'm handing you right
17 now is what I've marked as Plaintiff's Exhibit
18 Number 1. And this purports to be the courier
19 application for Mr. Gray. It's a package of -- and
20 it's seven pages and they're numbered at the bottom by
21 me. Have you ever seen this before?
22 **A No.**
23 Q Okay. And I'll represent to you that the
24 attorneys for Inpax provided these documents to me
25 pursuant to written discovery in our case.

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1 Q Okay. And then the applicant, like we see
2 here, would have filled out a bunch of different boxes
3 concerning his qualifications for a position?
4 **A Yes.**
5 Q And it appears Mr. Gray did that on or
6 around September 27th of 2016 based on these
7 documents?
8 **A Yes.**
9 Q Okay. And he was required to identify
10 driving years of experience, where here he puts
11 "three" on page one at the bottom?
12 **A Yes.**
13 Q Driving History, Vehicle Type; he says
14 "car," correct?
15 **A Yes.**
16 Q He's asked to fill in the box that refers to
17 violations in the last three years, correct?
18 **A I guess. I don't know.**
19 MR. McAVOY: Well, it just says
20 "Violations."
21 BY MR. FISHER:
22 Q Says "Violations. Check if not applicable."
23 And what's bullet-pointed is: I have no violations in
24 the last three years.
25 You'd agree that's what it says?

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1 **A Yes.**
2 Q Okay. And you have no reason to disagree
3 that this isn't an accurate document from the
4 recruiting of Mr. Gray, do you?
5 MR. McAVOY: Well, let me just object
6 to "the recruiting." I mean, he applied.
7 MR. FISHER: Okay.
8 MR. McAVOY: We have the application
9 here. But go ahead.
10 MR. FISHER: We can stip, can we not,
11 Terry, that this is Mr. Gray's application?
12 MR. McAVOY: Sure. I mean, this was
13 produced in his -- part of his personnel file, I
14 believe.
15 MR. FISHER: Absolutely.
16 BY MR. FISHER:
17 Q So any of the questions that were asked,
18 there's -- starting on page two there's questions that
19 are asked -- that Mr. Gray is asked to fill out
20 regarding his job history, correct?
21 **A Yes.**
22 Q Okay. And if you just start with employer,
23 you know, on page two Employer One and Employer Two
24 are identified. On page three there's Employers
25 Three, there's an Employer Three identified.

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1 Q To which he responds in an appropriate
2 fashion, correct?
3 **A Yes.**
4 Q All right. He's asked a question on
5 page six, something about speeding, driver
6 certification, and he indicates that: I have read and
7 understand the speeding requirements.
8 Do you know what the speeding requirements
9 he's referring to are?
10 **A Probably the handbook, reading the driver**
11 **manual, handbook.**
12 Q So I want to talk to you about that in a
13 second. Okay. And then if you look at the page
14 seven, there's a web address under Recruiting Inpax,
15 and it appears it's sent to Kimberly Clark.
16 Was that policy and procedure at the time,
17 that once a potential driver in the Chicagoland area
18 fills out his application, recruiting sends the
19 application over to Kimberly Clark here in Atlanta?
20 **A Once he's been hired, yes.**
21 Q Okay. So, but the fact that this was sent
22 to Kimberly Clark on December 23rd, 2016 means that at
23 least before that -- strike it.
24 Do you know why this would have been sent to
25 Kimberly Clark on December 23rd, 2016, when the

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1 Would you agree with me that at least when
2 Mr. Gray did his application he didn't list any
3 employers in the courier business?
4 **A (There was no response.)**
5 Q He lists bouncer, Nordstrom Rack and... in
6 loss prevention, and Monterrey Security as a security
7 officer?
8 **A Yes, correct.**
9 Q Okay. And then questions are asked of him
10 if he had ever served in the armed forces, if he had
11 been convicted of a felony, if he's a U.S. citizen,
12 what's his highest level of education. I'm looking at
13 the bottom of page three.
14 **A Yes.**
15 Q And then apparently on September 27, 2016 he
16 signs and dates the application, agreed?
17 **A Yes.**
18 Q All right. And just by seeing this -- and
19 then he's asked some additional questions beyond that;
20 starting on pages four and five he's asked about his
21 driver's certification, he's asked about his driver's
22 license requirements, drug and alcohol testing,
23 accident reporting guidelines, things of that nature,
24 correct?
25 **A Correct.**

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1 application was filled out in September of 2016?
2 **A No.**
3 Q Okay. And the occurrence took place on
4 December 22nd. Maybe it had something to do with
5 that?
6 **A Something to do with that, yes.**
7 Q All right. Fair enough.
8 MR. McAVOY: Mike, we've been going a
9 little over an hour. Do you mind if we take a
10 two-minute break?
11 MR. FISHER: Yes, please.
12 (Deposition in recess, 12:03 p.m.
13 to 12:12 p.m.)
14 MR. FISHER: We're back on.
15 BY MR. FISHER:
16 Q Last issues on this application. When
17 someone like Valdimar Gray gets hired by Inpax, is
18 this application the -- is this the document by which
19 he gets hired or is it followed up with a personal
20 interview or a secondary questionnaire or pretty much
21 is the information contained on Plaintiff's Exhibit
22 Number 1 the basis under which he gets hired?
23 **A So he fills this out and then he goes to an**
24 **interview.**
25 Q Okay. Do you know who interviewed Mr. Gray?

<p style="text-align: right;">Page 62</p> <p>1 A No.</p> <p>2 Q Is there a standard set of questions for</p> <p>3 that interview that existed in September of 2016, or</p> <p>4 is it just whatever the interviewer asks?</p> <p>5 A I imagine it is. I don't know what that</p> <p>6 would be.</p> <p>7 Q Whose job responsibility was it to interview</p> <p>8 drivers in 2016?</p> <p>9 A Either Byron or the lead dispatcher.</p> <p>10 Q Do you know who the lead dispatcher was at</p> <p>11 the Chicago, the 2801 address?</p> <p>12 A No.</p> <p>13 Q Next thing I want to have you take a look at</p> <p>14 real quick is what I'm marking as Plaintiff's Exhibit</p> <p>15 Number 2.</p> <p>16 (Document marked for identification</p> <p>17 as Plaintiff's Exhibit 2.)</p> <p>18 BY MR. FISHER:</p> <p>19 Q I'm going to hand you now what I've marked</p> <p>20 as Plaintiff's Exhibit 2 for identification. For the</p> <p>21 record, this purports to be the pages that make up</p> <p>22 your company's website currently. Can you just verify</p> <p>23 that.</p> <p>24 If you just leaf through this, does this</p> <p>25 look like to be the various pages of your current</p>	<p style="text-align: right;">Page 63</p> <p>1 website?</p> <p>2 A Yes.</p> <p>3 Q Okay. Was the website similar back in 2016?</p> <p>4 A I would think so.</p> <p>5 Q Okay. On page three, your website indicates</p> <p>6 the company's core capabilities. Do you see that?</p> <p>7 A Yes.</p> <p>8 Q On-Demand Service, Same-Day Freight,</p> <p>9 Scheduled Delivery, Expedited Shipping, One-Hour</p> <p>10 Delivery, Dedicated Fleet.</p> <p>11 How does your company go about guaranteeing,</p> <p>12 like, one-hour delivery?</p> <p>13 A Call us up and you say... law firm, say you</p> <p>14 need something delivered from South Wacker over to</p> <p>15 North Wacker; we'll say, We'll get it there in an hour</p> <p>16 for you.</p> <p>17 Q Okay. And you're charged accordingly?</p> <p>18 A Yes.</p> <p>19 Q And if you turn to page four, the website</p> <p>20 identifies all of the different vehicles your company</p> <p>21 had the ability to utilize?</p> <p>22 A Yes.</p> <p>23 Q How many vehicles does your company</p> <p>24 currently lease or rent?</p> <p>25 MR. McAVOY: Now?</p>
<p style="text-align: right;">Page 64</p> <p>1 MR. FISHER: Now.</p> <p>2 A Lease or rent?</p> <p>3 BY MR. FISHER:</p> <p>4 Q Approximately.</p> <p>5 A 500.</p> <p>6 Q How many tractor-trailers does the company</p> <p>7 lease or rent?</p> <p>8 A Zero.</p> <p>9 Q Okay. So if your company is retained to do</p> <p>10 a larger load that requires a tractor-trailer, what</p> <p>11 does it do?</p> <p>12 A We send it, but they're not leased or</p> <p>13 rented.</p> <p>14 Q They're owned?</p> <p>15 A Yes.</p> <p>16 Q How many vehicles does your company own?</p> <p>17 A 60.</p> <p>18 Q Would the numbers have been similar in</p> <p>19 December of 2016, leased and owned vehicles?</p> <p>20 A No.</p> <p>21 Q Less or more back then?</p> <p>22 A Less.</p> <p>23 Q And -- 20 percent less, 10 percent less;</p> <p>24 what would you say?</p> <p>25 A 30.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q Okay. Of the vehicles that are identified,</p> <p>2 car, cargo van, sprinter, straight truck,</p> <p>3 tractor-trailer, what is the most-used vehicle in the</p> <p>4 fleet?</p> <p>5 MR. McAVOY: Now?</p> <p>6 BY MR. FISHER:</p> <p>7 Q Now.</p> <p>8 A Cargo van.</p> <p>9 Q How about 2016?</p> <p>10 A Cargo van.</p> <p>11 Q If you take a look on pages 10 and 11,</p> <p>12 that's the portion of the website that pertains to</p> <p>13 drivers. Do you see that?</p> <p>14 A Uh-huh (affirmative).</p> <p>15 Q That's a yes?</p> <p>16 A Yes.</p> <p>17 Q Okay. On page 11 it lists the basic</p> <p>18 requirements that a driver needs to have to hire on</p> <p>19 with your company, I'm assuming in a non-commercial</p> <p>20 sense, driving cargo vans or vans?</p> <p>21 A That's correct.</p> <p>22 Q So 21 years or older with a valid driver's</p> <p>23 license, three-year motor vehicle report, knowledge of</p> <p>24 the city and passing a drug screen. Those would be</p> <p>25 the basic requirements, correct?</p>

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1 **A Yes.**
2 Q Your company would hire people with no
3 experience as a courier delivery?
4 **A Yes.**
5 Q Okay. Those are all the questions I have on
6 that. We can put it aside.
7 I was provided -- I'm going to show you the
8 next document I was provided. We'll mark it as
9 Plaintiff's Exhibit Number 3.
10 (Document marked for identification
11 as Plaintiff's Exhibit 3.)
12 BY MR. FISHER:
13 Q I'm going to hand you what I've marked as
14 Plaintiff's Exhibit Number 3, and I'm going to ask you
15 to tell me what this document is.
16 **A Looks like the first page is my welcome**
17 **letter. And this looks like the handbook.**
18 Q So I mean, specifically what is this called?
19 In the first page it says "Your Employee Manual." Is
20 this document, Plaintiff's Exhibit Number 3, pages 1
21 through 87, is this the employee manual that your
22 company uses?
23 **A No. I mean, I'd call it -- I can refer to**
24 **it as Manual or Handbook.**
25 Q Okay.

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1 it in Atlanta?
2 **A Yes.**
3 Q What's the purpose of the safety department?
4 **A From a -- it's two different perspectives of**
5 **the safety department. So you got the employee-based,**
6 **employees that drive these vans that are employees;**
7 **they're not in the same category as the big trucks.**
8 **So the safety and compliance for these guys aren't**
9 **tracked like tractor-trailers or box trucks.**
10 Q Their hours don't have to be tracked and
11 things of that --
12 **A Yeah.**
13 Q They don't have to turn in a driver's log?
14 **A That's correct.**
15 Q They don't have to do those things?
16 **A That's correct.**
17 Q But what I'm asking, you had a safety
18 department in December of '16?
19 **A Yes.**
20 Q Let's start with this. Who was the head of
21 the safety department back then?
22 **A In '16? It was probably Rusty Cook.**
23 Q Is Mr. Cook still with the company?
24 **A Yes.**
25 Q What was his title?

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1 **A On page two it says "Handbook."**
2 Q Okay. And was this handbook being used for
3 new hires back in 2016?
4 **A Yes.**
5 Q This is a true and accurate copy, to the
6 best of your knowledge?
7 **A Yes.**
8 Q What's the purpose of this document?
9 **A Basically tell employees a little bit about**
10 **the company and what our rules and regulations are.**
11 Q Besides this document, did the company have
12 any others that it used for drivers in terms of rules
13 and regulations for drivers?
14 **A I think we do. In the safety department we**
15 **would have, probably have some for drivers, but I**
16 **don't know about Amazon, the guys that drove**
17 **for Amazon.**
18 Q Let's start off with you mentioned safety
19 department. Does your company have a safety
20 department?
21 **A Yes.**
22 Q Did it have a safety department in December
23 of '16?
24 **A Yes.**
25 Q Where was the safety department located? Is

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1 **A Fleet and safety.**
2 Q And what did you understand his duties and
3 responsibilities to be?
4 **A Manage the fleet of vehicles in the safety**
5 **department, keep us in compliance with the rules and**
6 **regulations.**
7 Q Department of Transportation rules?
8 **A Yes.**
9 Q Federal Motor Carrier Safety rules?
10 **A Yes.**
11 Q Were couriers like Mr. Gray responsible to
12 comply with the Federal Motor Carrier Safety
13 Regulations?
14 **A No.**
15 Q Did the company have a set of safety rules
16 for drivers like Mr. Gray, courier drivers who drove
17 vans?
18 **A Yes.**
19 Q Those safety rules, are they encompassed in
20 this Plaintiff's Exhibit Number 3 or was there a
21 separate document?
22 **A It was probably a separate document.**
23 Q Do you know what that was called?
24 **A No. I don't know what it was called but it**
25 **was probably a driver's manual.**

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1 Q Okay.

2 MR. FISHER: Terry, I've never seen it.

3 I don't think that's been produced but -- okay.

4 BY MR. FISHER:

5 Q So if I asked Terry to produce for me the

6 courier's driver manual, is that what you're referring

7 to?

8 A Sure.

9 MR. McAVOY: Well... go ahead and ask

10 him. I don't even know if -- is there one?

11 **THE WITNESS: I'm quite sure we have**

12 **one.**

13 MR. McAVOY: Or are you guessing?

14 MR. FISHER: He just said there was

15 one.

16 MR. McAVOY: He said he thought there

17 was.

18 **THE WITNESS: We should have one, but I**

19 **don't know if this particular one here for these,**

20 **if this is the one that we would use for the**

21 **employee drivers, because the rest of our drivers**

22 **are independent contractors on the...**

23 BY MR. FISHER:

24 Q Mr. Gray was an employee driver?

25 A **That's correct.**

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1 foundation. If he doesn't know, who's going to

2 know?

3 **THE WITNESS: Well, I don't write, do**

4 **all of this. I got thousands of employees, they**

5 **do this.**

6 BY MR. FISHER:

7 Q And it's fine. If you don't know --

8 A No, I don't.

9 Q If you can't point me to pages, that's fine.

10 I read it, I read every page of it yesterday and I

11 didn't find a single reference to courier driver's

12 rules and regulations while driving vans or similar

13 vehicles. Is that possible?

14 MR. McAVOY: Did you see any reference

15 to obeying all rules and regulations?

16 MR. FISHER: Terry, when we're done we

17 can --

18 MR. McAVOY: Well, go ahead.

19 MR. FISHER: This is the president of

20 the company. If I don't ask this gentleman, who

21 would you suggest I ask?

22 MR. McAVOY: Well, then, okay.

23 MR. FISHER: And if he has to go

24 through the manual, he has to go through it.

25 MR. McAVOY: Let him go through it.

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1 Q That's all I'm interested right now.

2 A **So either this or another manual somewhere**

3 **else that would be used for employee drivers.**

4 Q So, and I'm not critical either way. I'm

5 just asking you as the owner-president of the company,

6 as of 2016, do you believe there to have been

7 something tantamount to a courier's driver manual that

8 existed?

9 A **(There was no response.)**

10 Q That laid out for a courier his rules and

11 regulations per his job?

12 A **On the employee side it's probably this.**

13 Q "This" being Plaintiff's Exhibit Number 3?

14 A Yes.

15 Q Okay. You're familiar with this document,

16 right?

17 A Yeah.

18 Q Can you show me anywhere in this document

19 where it talks about any types of rules, regulations

20 or policies pertaining to those courier drivers, if

21 you know?

22 MR. McAVOY: Let me just object to the

23 extent that that Exhibit 3 is 87 pages long.

24 But go ahead.

25 MR. FISHER: I think I laid a

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1 MR. FISHER: Yeah, I know. I'm fine

2 with that.

3 THE WITNESS: (Witness examining

4 document.) This is more just a handbook. This

5 wouldn't have a driver's manual.

6 BY MR. FISHER:

7 Q I'm going to ask you a question in a couple

8 minutes. I want you to finish reading this.

9 A **All right. (Witness examining document.)**

10 Q Okay. You have now had the opportunity to

11 read over, actually turn every page of what we've

12 marked as Plaintiff's Exhibit 3, which you have called

13 the "Employee Manual/Handbook." Is that true?

14 A Yes.

15 Q Okay. My question to you is: Did you see

16 any rules or regulations pertaining to the specific

17 task of a courier or a driver driving a cargo van or a

18 similar vehicle?

19 A No.

20 Q All right. Do you have an understanding or

21 some knowledge of the fact that there is some other

22 document than Plaintiff's Exhibit Number 3 that

23 actually lays out the company's policies, procedures,

24 and rules and regulations for drivers pertaining to

25 driving vans?

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1 **A I think I have some documentation for that**
2 **that I can provide for you.**
3 Q What do you call that document so I know
4 what to formally ask for?
5 **A Driver's manual.**
6 Q Okay. And did that driver's manual exist in
7 December of 2016?
8 **A I'm quite sure it did.**
9 Q Do you know who prepared that driver's
10 manual? Was it prepared out of the safety department?
11 **A Probably the human resources department.**
12 Q Who in human resources would have the
13 experience and the knowledge to put together a
14 driver's safety manual?
15 **A Well, I think because these were employee**
16 **drivers, these are the only employee drivers, the**
17 **director at that time, Lewis Richardson.**
18 Q He was the human resources director?
19 **A Yes.**
20 Q He's no longer with the company?
21 **A No.**
22 Q And he had some experience as a courier
23 driver?
24 **A No. In this case, you know, like I said,**
25 **it's different sets of rules for what Rusty did and**

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1 **A Should be. And I think back then we had --**
2 **they watched film also.**
3 Q I think they did too, and we're going to get
4 to that. I have one of those that have been produced
5 for me.
6 **A Yeah.**
7 Q Okay. On page 56 of Plaintiff's Exhibit
8 Number 3, under Health and Safety, there is reference
9 to a safety manual.
10 **A Uh-huh (affirmative).**
11 Q And it refers to: A safety manual has been
12 designed to educate you on safety in the workplace.
13 If you do not have a copy of this manual, please see
14 your HR department.
15 **A I think that's what I'm talking about.**
16 Q That's different than what Exhibit 3 is?
17 **A What you're looking at now.**
18 Q It's different than Exhibit 3?
19 **A That's correct.**
20 Q Okay. Would each new hire dating back to
21 2016 get a copy of Plaintiff's Exhibit Number 3, the
22 employee manual/handbook?
23 **A Yes.**
24 Q And would each new employee, especially
25 company drivers, receive a copy of the safety manual

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1 **Lewis as a HR director at that time.**
2 Q Had you seen the driver's manual in the
3 past?
4 **A I'm quite sure we got one. It's not this,**
5 **though.**
6 Q Did it address the rules of the road, so to
7 speak, for the drivers?
8 **A It probably talked about, you know, the**
9 **being safe and just basic rules and regulations of**
10 **driving.**
11 Q Okay. I mean, that's important to you as
12 the owner of this company with these number of
13 employees and these number of vehicles, it's important
14 to you that they operate their vehicles, the drivers,
15 safely, correct?
16 **A Yes.**
17 Q It's important to you that they don't
18 endanger other drivers on the roadway, correct?
19 **A Yes.**
20 Q It's important to you that they don't
21 endanger pedestrians in the street crossing the
22 street, true?
23 **A Sure.**
24 Q And that would be one of the reasons why
25 there was a driver's manual?

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1 referred to on page 56?
2 **A That's correct. They should, yes.**
3 Q Okay. On page six of Exhibit 3, this
4 employee manual, or employee manual/handbook, that's
5 the page that refers to your company's mission
6 statement?
7 **A Mhm-hm (affirmative).**
8 Q Did you have some role in developing this
9 mission statement?
10 **A Some of it. I put most of it together.**
11 Q The third paragraph reads: We will develop
12 and maintain the high standards of professional
13 competence, integrity and service.
14 Do you see that?
15 **A Yes.**
16 Q That's something that's important to you as
17 the owner of the company?
18 **A Yes.**
19 Q And I mean no disrespect to you. Can you
20 tell me what your company did in 2016 with regards to
21 developing the highest standards for its drivers?
22 **A You know, we train them with our basic**
23 **training that we do every other driver. So out of**
24 **thousands of drivers, they get the same amount of**
25 **training. So we feel that we trained him at the best**

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1 of our ability to go out and do the job, and an
2 accident happened.
3 Q Was there someone in the Chicagoland area
4 from the time that Mr. Gray gets hired in -- looks
5 like July, August, September of 2016 -- is there
6 someone in the Chicagoland area working for Inpax that
7 had the responsibility of training Mr. Gray to be a
8 driver making sure that he knew the company rules,
9 regulations, policies, procedures?
10 A Yes. So each station has driver trainers.
11 Q Do you know who Mr. Gray's driver trainer
12 was?
13 A No.
14 Q Again, would that be something if you ask
15 one of your assistants to help you find, that that
16 data would be available to you; you could identify who
17 the driver trainer was out of the 2801 location in
18 2016, the second half?
19 A It's possible, but who knows.
20 Q I mean, what was the company's policy?
21 You've told me, and I believe you, that safety was
22 very important?
23 A Sure.
24 Q We've talked about it now. If some new
25 driver was assigned a driver trainer, would there be

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1 that was, correct?
2 A Correct.
3 Q You don't know what that person's
4 qualifications are; would that also be true?
5 A Well, if he was a driver trainer he was
6 obviously qualified to train him.
7 Q Okay. What training was provided to the
8 drivers' trainers to make sure that they were
9 competent to train new drivers?
10 A So he probably there was some rules and
11 guidelines that we looked at internally, he was
12 probably deemed to be a good driver based on his
13 delivery performance and he could get the job done, so
14 he was probably promoted.
15 Q So you're using the word "probably." I
16 understand --
17 A Yes.
18 Q -- but hard for me to work in "probabilities."
19 As you sit here today, can you describe for me the
20 training that was provided to your employees who are
21 going to act as driver trainers in the Chicagoland
22 area in 2016?
23 A No.
24 Q Can you describe for me what rules and
25 guidelines they were given that they were supposed to

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1 some documentation either in the new driver's file or
2 with the company so that the company could prove, hey,
3 we trained this person and here's the guy who trained
4 him and his qualifications? Is there something that
5 we can go back to and find?
6 A Probably the -- his paycheck, because what
7 we do is when he comes in he does what we call a
8 ride-along.
9 Q Right.
10 A For like three days. And then that driver
11 trainer rides with him until he deems he's ready to
12 go.
13 Q So how do we determine who Mr. Gray's driver
14 trainer was?
15 A We could probably ask Byron.
16 Q So short of Byron, because he doesn't work
17 for the company anymore, right?
18 A Right.
19 Q If he doesn't remember, how do we find out?
20 A I wouldn't know.
21 Q Okay.
22 A There would have to be someone that worked
23 for the company who would know.
24 Q Okay. So with regards to Mr. Gray's driver
25 trainer, it would be fair to say you don't know who

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1 impart to new drivers?
2 A No.
3 Q Would someone in the safety department know
4 that because it was their responsibility to know that?
5 A Not sure.
6 Q So you said Rusty Cook would have been the
7 safety -- what was his title back in 2016?
8 A Compliance. But not for the employee side.
9 Q Who was the head of the safety department in
10 2016?
11 A For my company?
12 Q Yes.
13 A Rusty.
14 Q Okay. And who's the head of the safety
15 department now?
16 A Keisha Arnold.
17 Q But Mr. Cook is still working for the
18 company?
19 A Yes.
20 Q What's his role now?
21 A Fleet manager.
22 Q Okay. Do you know what Rusty Cook's
23 background and training was with regards to industrial
24 and delivery service training?
25 A Other than being with me at the company and

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1 **we -- since day one, no.**
2 Q And that's on-the-job training --
3 **A Sure.**
4 Q -- which I don't minimize, but I'm saying,
5 was there any formal training that Mr. Cook had to
6 enable him to have the qualifications to be the top
7 man in the safety department of your company?
8 **A I'm not sure, no.**
9 Q How many people work in the safety
10 department currently?
11 **A Three.**
12 Q How many worked in the safety department
13 back in 2016?
14 **A Two.**
15 Q So Rusty Cook, and who else back then?
16 **A I don't recall who was the other person at**
17 **the time.**
18 Q And I'm sorry if I've beaten this horse
19 pretty good. So I just want to make sure that I've
20 identified, back in 2016, all of the different
21 training material that your company would have
22 prepared for new drivers in the Chicagoland area.
23 I know we have the Employee Manual/Handbook
24 we've marked as Exhibit 3. You've identified a
25 driver's manual that existed that we don't have here.

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1 with some video by counsel, and I have, I think the
2 one that's pertinent I brought with me on my iPad, and
3 I'm going to play it. It's three minutes long.
4 And I apologize we gotta play it for three
5 minutes but I don't know how else to do it. And we'll
6 mark it formally. I'll have it put on a disc after
7 the deposition. We'll mark it as Plaintiff's Exhibit
8 Number 4. And I want to see if you can tell me if
9 this is what you're referring to.
10 MR. McAVOY: While we're waiting for
11 you, Mike, I think this was the video clip or
12 video produced by --
13 MS. DIRCKS: Yeah, we produced it.
14 MR. McAVOY: Either Reb -- the Benesch
15 firm, right?
16 MS. DIRCKS: Yep, that's correct.
17 MR. FISHER: And I assume her people
18 are going to say "Yeah, it was mandatory that
19 these guys watch this," but I have to ask him
20 about it. But he has to see it first.
21 MR. McAVOY: Right.
22 MR. FISHER: Okay. The video appears
23 to have been produced by Amazon in this case
24 through discovery and it's identified as Amazon
25 000115MP4. And I'm going to play this for you

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1 Any other written documents that your
2 company prepared or PowerPoint presentations or video
3 that your company prepared to use as training
4 materials for new drivers back in 2016?
5 **A All I know would be the one that's mentioned**
6 **in here. Anything else --**
7 Q And the one mentioned in here, you're
8 pointing to Plaintiff's Exhibit Number 3 on page 56,
9 the safety manual?
10 **A Correct.**
11 Q Okay. As long as we're on the topic, it's
12 my understanding that employees of your company in
13 2016 that were employed and paid by Inpax but that
14 were being used to deliver Amazon packages also
15 received some training from Amazon, is that true, for
16 in the Chicagoland area?
17 **A Like what do you mean "training**
18 **from Amazon"?**
19 Q Were they provided video training materials?
20 Did they have to attend training courses? That's what
21 I'm asking.
22 **A There's a video that we have to watch to**
23 **deliver the Amazon packages. Now, whether it was**
24 **around at that time, I don't recall.**
25 Q What I'll tell you is that I was provided

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1 now. It's a couple of minutes long. And I just
2 want...
3 (Document marked for identification
4 as Plaintiff's Exhibit 4.)
5 (Video recording was played.)
6 BY MR. FISHER:
7 Q I've just shown you what we've marked as
8 Plaintiff's Exhibit Number 4 for identification, a
9 video that I've identified. Have you ever seen that
10 before?
11 **A Yes.**
12 Q What is that video? What do you understand
13 that to be?
14 **A A safety video from Amazon that they -- we**
15 **provide for all of our drivers before they go on the**
16 **road.**
17 Q And would Mr. Gray have been provided that
18 video? Would he have been required to see that video?
19 **A If that -- if in 2016 it was around, yes.**
20 **He would have had -- you can't -- you can not without**
21 **it.**
22 Q I will tell you that it's been provided
23 by Amazon and they've told us that that was around in
24 2016. Do you have any reason to disagree with that?
25 **A No.**

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1 Q Okay. As part your company's agreement with
2 Amazon as of 2016, was it mandatory that every one of
3 your company's drivers, before they hit the road with
4 any Amazon product, they would watch that video?
5 **A They would have to watch that video.**
6 Q And were they expected to follow the
7 policies and procedures set forth in that video?
8 **A To the best of their ability, yeah.**
9 Q Everyone does everything to the best of
10 their ability.
11 MR. McAVOY: Not necessarily.
12 BY MR. FISHER:
13 Q You just watched --
14 **A Yeah.**
15 MR. FISHER: Well, hopefully when it
16 comes to safety, they do.
17 MR. McAVOY: Well, that's not the
18 point. My objection is noted.
19 MR. FISHER: I never even heard you
20 object.
21 MR. McAVOY: Go ahead.
22 BY MR. FISHER:
23 Q Uhm...
24 MR. McAVOY: My objection is -- to your
25 question is not true.

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1 **A I would think we would do the best of our**
2 **ability to do that, yes.**
3 Q Okay. With an eye towards safety?
4 **A True.**
5 Q Safety for your drivers, correct?
6 **A Mhm-hm (affirmative), yes.**
7 Q Safety for other motorists on the roadway,
8 correct?
9 **A Yes.**
10 Q Safety for pedestrians?
11 **A Yes.**
12 Q Okay. Do you have any reason to believe
13 that Mr. Gray did not see that video?
14 MR. McAVOY: Objection to the extent it
15 calls for Mr. Wright to speculate.
16 But go ahead.
17 **A I mean, it's part of the process that we**
18 **hire them, so.**
19 BY MR. FISHER:
20 Q Okay. Now, tell me about that. Is it your
21 understanding that in order to have a contract with
22 Amazon as of 2016, where you provided drivers and the
23 courier service for Amazon in the Chicagoland area
24 your drivers had to see that video?
25 **A It's part of the hiring process. Yes.**

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1 MR. FISHER: I didn't -- you didn't
2 object. You just said -- made a comment --
3 MR. McAVOY: Well, that's my objection.
4 MR. FISHER: If you're making an
5 objection, make an objection. Am I supposed to
6 guess at what you're doing?
7 MR. McAVOY: No, I just made an
8 objection.
9 MR. FISHER: Fair enough. You didn't
10 say the word "objection," so I had no idea what
11 the objection was.
12 MR. McAVOY: Objection.
13 MR. FISHER: There you go.
14 BY MR. FISHER:
15 Q That video, it's a good thing?
16 **A I think so, yeah.**
17 Q It lays forth some valid points regarding
18 the safe operation of vehicles for your drivers?
19 **A Yes.**
20 Q Do you believe that all of those points made
21 in that video regarding safe driving are valid points?
22 **A Yes.**
23 Q Would you like to know that all of your
24 drivers, as of 2016 to today, are following the edicts
25 laid out in that video?

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1 Q But it was mandatory?
2 **A Yes, part of the process.**
3 Q If your drivers refused to watch that video,
4 would you be allowed to send them on Amazon courier
5 jobs?
6 **A It won't let you go through the process**
7 **without him watching it.**
8 Q So in addition to the Amazon video we just
9 looked at and marked as Plaintiff's Exhibit Number 4,
10 what other requirements did Amazon have for your
11 company to provide drivers to deliver Amazon packages,
12 2016?
13 MR. McAVOY: Could you repeat that
14 question or read it back.
15 MR. FISHER: You can read it back.
16 (Whereupon the court reporter read
17 back the referred-to portion as
18 follows:)
19 THE REPORTER: "QUESTION: So in
20 addition to the Amazon video we just looked at
21 and marked as Plaintiff's Exhibit Number 4, what
22 other requirements did Amazon have for your
23 company to provide drivers to deliver Amazon
24 packages, 2016?"
25 (Whereupon the reading back was

Page 90

1 concluded.)

2 MS. DIRCKS: I'm going to object.

3 That's vague. I mean, can we lay a foundation

4 for that?

5 BY MR. FISHER:

6 Q You can go ahead.

7 MR. FISHER: I don't have to lay a

8 foundation. It's a discovery deposition. I'll

9 lay a foundation at trial after I learn what

10 other requirements there are.

11 MS. DIRCKS: I made my objection for

12 the record, sir.

13 MR. FISHER: Okay.

14 **A You know, the basic things that I have on**

15 **the application, which is, you know, clean MVR, pass a**

16 **background check, watch the video, watch that video.**

17 **That's... and that's about it.**

18 BY MR. FISHER:

19 Q Did Amazon, besides the video, provide any

20 other written rules, regulations, policies or

21 procedures that had to be followed by Inpax drivers in

22 the Chicagoland area in 2016?

23 **A No.**

24 Q Okay. You had mentioned that watching the

25 video was part of the process. Could you describe for

Page 92

1 trainer prepare any paperwork with regards to his

2 training and riding along of a new driver in 2016?

3 **A I'm not sure.**

4 Q Once the driver trainer determines in his

5 mind that the new driver is trained and able to do the

6 job, does he prepare any type of paperwork that goes

7 in the new driver's personnel file to establish the

8 fact that he's gone through the process: He's seen

9 the video, he's had driver training, the driver

10 trainer thinks he's good? Does someone sign off on

11 that indicating that all of this has occurred?

12 **A I'm not sure.**

13 Q Okay. Was Mr. Gray expected, as of December

14 of 2016, was he expected to practice the safety

15 principles that are discussed in that video,

16 Plaintiff's Exhibit Number 4, to the best of his

17 ability?

18 MS. DIRCKS: Objection. Vague.

19 Expected by who?

20 BY MR. FISHER:

21 Q You can answer.

22 **A To the best of my knowledge, yes.**

23 Q I mean, you expected that out of drivers

24 working for your company, correct?

25 **A To be safe, yes.**

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1 me what process you're referring to?

2 **A So once we interview and he passed the --**

3 **our drug screening, background check, the last thing**

4 **he does before we put him on board in our system is**

5 **watch that video.**

6 Q That's the process you're referring to?

7 **A Yes.**

8 Q And when you refer to "he," you're talking

9 about drivers?

10 **A Any drivers.**

11 Q Drivers generally and Mr. Gray?

12 **A Yes.**

13 Q Okay. Before a driver is put out on the

14 road working for Inpax in 2016 in the Chicagoland

15 area, other than the driver trainer who rides along

16 with him, does that driver get tested in any way?

17 **A Sure. So he rides along first for about**

18 **three days. He rides with a experienced driver.**

19 Q Okay.

20 **A Then the driver trainer puts him in the seat**

21 **and he's tested. Once the driver trainer deems that**

22 **he's qualified to drive at this point, he can do the**

23 **job. And the job consists of more than just driving.**

24 Q So let's talk about that for a second. So

25 you got the ride-along guy. Does the ride-along

Page 93

1 Q Well, to follow the same principles laid out

2 in the video; not just to be safe, but to do those

3 defensive driving things that are identified in the

4 video?

5 MR. McAVOY: Object to the form of the

6 question.

7 But go ahead.

8 **A Yes, to the best of my knowledge.**

9 BY MR. FISHER:

10 Q Okay. I want to talk about when your

11 company first started providing courier services

12 for Amazon in the Chicagoland area. Okay?

13 **A Mhm-hm (affirmative).**

14 Q Can you tell me approximately when that was,

15 by memory?

16 **A I think summer, maybe, 2015.**

17 Q How did it come about that your company was

18 going to do this? Did you reach out to Amazon?

19 Did Amazon reach out to you?

20 **A I reached out to Amazon.**

21 Q Okay. And who was the person that you

22 reached out to in Amazon to see if your company could

23 gain their business?

24 **A His name, well, I just met him at a show, an**

25 **exhibit show, and through the ECA.**

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1 Q What's the ECA?

2 A **Express Carrier Association.**

3 Q Is your company a member of that?

4 A **Yes.**

5 Q Does the Express Carrier Association

6 promulgate standard practice guides or best practices

7 in the industry?

8 A **Sure. I think they do. They have different**

9 **classes and we can go to a retreat or something.**

10 Q Does your company subscribe to their best

11 practices?

12 A **I don't, I don't know. I mean, I don't know**

13 **what that is.**

14 MR. McAVOY: Object to the form of the

15 question.

16 **THE WITNESS: I don't even know if --**

17 MR. McAVOY: What do you mean by "best

18 practices"? It sounds as if...

19 BY MR. FISHER:

20 Q So, do you --

21 MR. McAVOY: A manual? A prescription?

22 BY MR. FISHER:

23 Q Remember when we talked at the beginning and

24 I said if you don't understand a question it's

25 important you tell me so.

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1 Association?

2 A **No.**

3 Q Is your company a member of that

4 organization?

5 A **Yes.**

6 Q So you were at some event around 2015 and

7 you reached out to someone at Amazon at one of these

8 events. Do you remember the name of the person you

9 reached out to?

10 A **Just, you just leave your card and talk with**

11 **people, so I don't know who it was.**

12 Q Ultimately you got in touch with someone and

13 you started -- you entered into a negotiation to act

14 as a courier for Amazon in the Chicagoland area, true?

15 A **Yes.**

16 Q And besides Chicagoland, your company acts

17 as a courier for Amazon in all of the states you do

18 business in?

19 A **So in the beginning we were not in Chicago**

20 **when we first started. We were in Atlanta.**

21 Q Right. We know you ultimately went to

22 Chicago because we know Valdimar Gray was

23 delivering Amazon --

24 A **Right, right. Yeah.**

25 Q -- right? So at some point before December

Page 95

1 A **Yeah.**

2 Q Because I don't want you to answer

3 something --

4 A **I don't know what that is, so.**

5 Q I'm not really worried about your counsel,

6 whether he understands or not. He'll understand soon

7 enough.

8 A **I get it.**

9 Q But I care if you understand because you're

10 the guy under oath.

11 A **I don't know if they would even have**

12 **something like that.**

13 Q Okay. Because I thought you said yes, and

14 if that's not correct, that's fine.

15 MR. McAVOY: That's my objection.

16 A **I don't know. I've never attended anything**

17 **like that.**

18 BY MR. FISHER:

19 Q Okay. Do you subscribe, does your company

20 subscribe to the Express Carriers Association, do they

21 have a magazine, pamphlets, safety guides, anything

22 that your company subscribes to?

23 A **No.**

24 Q Is there some qualifications you need to

25 establish to be a member of the Express Carriers

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1 of 2016, your company added Chicagoland to its Amazon

2 routes?

3 A **That's correct.**

4 Q Okay. So what I'm trying to figure out is

5 who did you negotiate your Amazon deal with generally,

6 and then who in Chicago was your contact person?

7 A **The guy that signed me up was Joe Al-zee-tah**

8 **(ph), or something like that.**

9 Q Can you spell it as best you can?

10 A **A-L-Z-E-T... O? Something like that.**

11 Q And do you know what Amazon entity he worked

12 for?

13 A **Prime Now.**

14 Q That's what it's called?

15 A **Mhm-hm (affirmative).**

16 Q Okay. And that's a yes?

17 A **Yes.**

18 Q And did you ultimately gain a contact in the

19 Chicagoland area once your company was going to do

20 deliveries in Chicagoland?

21 A **So Prime Now we started here in Atlanta.**

22 Q Okay.

23 A **So Prime Now went away. So the Prime Now**

24 **went away, so they introduced me -- Joe introduced me**

25 **to someone, I don't remember, that was in the Amazon**

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1 network, and then we -- our first location was
2 Chicago.
3 Q So who's your contact in Chicago regarding
4 the services your company provides in Chicago?
5 A Now?
6 Q Well, at the beginning.
7 A What was his name? I don't know at the
8 beginning, but I know the guy who...
9 Q Is your contact now?
10 A Yeah.
11 Q Who's that?
12 A David Oheya (ph).
13 Q Is he located out of Chicago?
14 A No.
15 Q Where is he located?
16 A Texas.
17 Q Do you know what his title is?
18 A He's moved on to higher, but he's over like
19 the DSP managers. So now there's a Chicago area guy
20 that I deal with.
21 Q Who's that?
22 A Bill Seleger. It used to be Steve...
23 Wilson.
24 Q Okay. What does "DSP" stand for?
25 A Delivery service provider.

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1 record, this purports to be the Delivery Provider
2 Terms of Service Work Order between, at least on its
3 face, Amazon Logistics, Inc. and Inpax Shipping
4 Solutions dated March 23rd, 2015.
5 (Document marked for identification
6 as Plaintiff's Exhibit 5.)
7 BY MR. FISHER:
8 Q If you would just take a look at this
9 document and tell me if you recognize what it is?
10 A Yes.
11 Q And what is this document?
12 A The Delivery Provider Terms of Service
13 Agreement Work Order.
14 Q And would this work order have been in
15 effect in December of 2016?
16 A Yes.
17 Q And this lays out the basic terms -- would
18 this have been the first delivery terms of service
19 work order between your company and Amazon?
20 A This particular one here?
21 Q Yes. Would this be the first one that you
22 entered into?
23 MR. McAVOY: If you know. If you don't
24 know, just tell him you don't know.
25

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1 Q So the DSP person in Chicago now is Bill
2 Seleger?
3 A Yes.
4 Q S-E-L-E-G-E-R?
5 A Yes. I think it's I-E-R.
6 Q And before it was Bill Selegier, the guy in
7 Chicago, the DSP guy was Steve Wilson?
8 A Yes.
9 Q How about in December of 2016 who was it; do
10 you remember?
11 A I think it was Steve Wilson.
12 Q Okay. And do you happen to know the actual
13 name of the company Steve Wilson worked for at that
14 time?
15 A Amazon.
16 Q So there's a lot of different Amazon
17 entities by design. They go by a lot of different
18 names. Do you know if it was Amazon.com,
19 Amazon.com.dedc, SMX Amazon, Amazon Logistics? Do you
20 know if it's any of those companies?
21 MR. McAVOY: Don't guess.
22 A I don't know which one he worked for.
23 BY MR. FISHER:
24 Q Okay. So I want to start off with what
25 we'll mark as Plaintiff's Exhibit Number 5. For the

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1 BY MR. FISHER:
2 Q Every question I ask you is if you know,
3 because if you didn't know, I expect you to tell me.
4 A (Witness examining document.) I don't know
5 if this is the first one.
6 Q There might have been one before this, March
7 of 2015?
8 A I don't think so. But this might be the
9 first one, I'm not sure.
10 Q Regardless when this was entered into, this
11 would have been applicable to the work after
12 March 23rd of 2015?
13 A Yes.
14 Q Agreed?
15 A Yes.
16 Q Okay. Generally speaking, this agreement
17 just indicates that your company's going to provide
18 delivery services to various Amazon locations
19 for Amazon?
20 MR. McAVOY: Let me just object to the
21 form. The agreement says what it says.
22 MR. FISHER: Every contract says what
23 it says. It doesn't stop me from being allowed
24 to ask about it.
25 MR. McAVOY: That's just my objection.

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1 MR. FISHER: That's a bad objection,
2 Terry. That's all I'm saying.
3 MR. McAVOY: You're saying generally
4 here's what the contract says, and I'm saying the
5 contract speaks for itself.
6 MR. FISHER: Everybody does, but it
7 doesn't --
8 MR. McAVOY: If you want to argue,
9 waste your time, but go ahead.
10 MR. FISHER: Do you know of a case that
11 says I'm not allowed to ask about the contract
12 from the guy who signed it?
13 MR. McAVOY: Generally, that's all.
14 No, I didn't say you couldn't ask it. I just
15 object to the form.
16 MR. FISHER: It's a bad objection.
17 MR. McAVOY: Well, I disagree. That's
18 my objection.
19 **A This is actually Prime Now.**
20 BY MR. FISHER:
21 Q So would this have been the first contract
22 that your company entered into with Amazon?
23 **A Yes.**
24 Q Okay. So if you turn to -- and generally
25 speaking, the purpose of this agreement is it lays

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1 **A I mean, if it's -- it's a work order. We do**
2 **the work for Prime Now in this work order, so I guess**
3 **that's what I mean, it's a work order that we were**
4 **given to do.**
5 BY MR. FISHER:
6 Q When you entered into the agreement pursuant
7 to Plaintiff's Exhibit Number 5, did you understand
8 you were binding your company to the terms of the
9 agreement?
10 **A Yes.**
11 Q If you didn't like the terms of the
12 agreement, you wouldn't have signed it?
13 **A That's correct.**
14 Q And this is the agreement that you
15 originally signed?
16 **A Yes. Originally, yes.**
17 Q Okay.
18 MR. McAVOY: Well, let me just object.
19 There is no signature pages on Exhibit 5.
20 BY MR. FISHER:
21 Q Did you originally sign this agreement and
22 your counsel just hasn't provided me the signature
23 pages?
24 MR. McAVOY: Well.
25 MS. DIRCKS: Just.

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1 forth the terms, obligations and rights of the parties
2 to the contract regarding services your company's
3 going to provide for Amazon in delivering Amazon
4 packages, true?
5 MR. McAVOY: Same objection.
6 But if you understand his question, go
7 ahead.
8 **A Ask the question again.**
9 BY MR. FISHER:
10 Q Sure.
11 MR. FISHER: If you want to read it
12 back for him. I'm sorry.
13 (Whereupon the court reporter read
14 back the referred-to portion as
15 follows:)
16 THE REPORTER: "QUESTION: Okay. So if
17 you turn to -- and generally speaking, the
18 purpose of this agreement is it lays forth the
19 terms, obligations and rights of the parties to
20 the contract regarding services your company's
21 going to provide for Amazon in delivering Amazon
22 packages, true?"
23 (Whereupon the reading back was
24 concluded.)
25 MR. McAVOY: Same objection.

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1 MR. McAVOY: Objection.
2 MR. FISHER: Why don't you provide me
3 the signature pages, Terry?
4 MR. McAVOY: Because I don't know if
5 there are signature pages, Counsel.
6 MR. FISHER: That's why I asked him the
7 question.
8 MR. McAVOY: Well, that's why I
9 objected, because you said they're signed, and I
10 don't see a signature.
11 MR. FISHER: You don't have to raise
12 your voice.
13 MR. McAVOY: I'm not raising my voice.
14 MR. FISHER: You absolutely are raising
15 your voice.
16 MR. McAVOY: I'm not.
17 MS. DIRCKS: I can --
18 MR. McAVOY: Do you see any signatures
19 on this agreement, Counselor?
20 MR. FISHER: Terry, you want to swear
21 me in and put me under oath, I'm happy to answer
22 your questions.
23 MR. McAVOY: Good. Could you swear him
24 in?
25 MR. FISHER: It's my deposition.

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1 MR. McAVOY: Well, you just told me to
2 swear you in.
3 MR. FISHER: Let's take a break.
4 (Deposition in recess, 1:08 p.m. to
5 1:13 p.m.)
6 BY MR. FISHER:
7 Q We're again referring to Plaintiff's Exhibit
8 Number 5, which you've already started to talk about.
9 If you take a look at Number 1, Services, just take a
10 look at that paragraph.
11 A Mhm-hm (affirmative).
12 Q It indicates that your company is going
13 to... that Amazon is going to tender to you
14 deliverables from delivery stations, sort centers,
15 fulfillment centers and other distribution points and
16 be accepted by you Monday through Sunday, 365 days a
17 year at times and days designated by Amazon.
18 As of March 23rd, 2015, was that the case,
19 was Amazon tendering packages?
20 A Shipments?
21 Q Packages, yes.
22 A Shipments to me, yes, yeah.
23 Q And consistent with what I've just read to
24 you?
25 A Sure.

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1 Plaintiff's Exhibit Number 5, there's a section that
2 deals with insurance requirements. Do you see that?
3 A Yes.
4 Q And it indicates how much insurance you are
5 going to provide for your people doing Amazon delivery
6 work, correct?
7 A Yes.
8 Q And did you comply with that provision?
9 A Yes.
10 Q And if you turn to page three, Paragraph 7,
11 there's a reference to personnel performing services.
12 Do you see that?
13 A Yes.
14 Q You agreed back in approximately March of
15 2015 that your employees working for Inpax performing
16 services under this agreement would satisfy the
17 criteria set forth in the policies and the Schedule G
18 to this work order, correct?
19 A Schedule G? (Witness examining document.)
20 Q It's page 11.
21 A (Witness examining document.) Yes.
22 Q Okay. And if you turn to page four, there's
23 a signature page.
24 A Mhm-hm (affirmative).
25 Q There's a place for this document to be

Page 107

1 Q Okay. And is it your best understanding and
2 recollection that your relationship with Amazon
3 providing them delivery services started around March
4 of 2015?
5 A Yes.
6 Q And you were the person at Inpax that
7 negotiated the contract with Amazon?
8 A The rates.
9 Q Well, this document?
10 A No. Just this, is all I negotiated
11 (Indicating).
12 Q Was everything else Amazon handed you a
13 piece of paper and said: If you want to work for us,
14 this is what you do?
15 A Yep.
16 Q Okay. Is there anything in Plaintiff's
17 Exhibit Number 5 that you could, if you look at it,
18 that is inconsistent with the document you entered
19 into with Amazon around that time, March of 2015?
20 A If this is the same document, no.
21 Q Well, I'm asking you to look at it and tell
22 me, is there something there that stands out to you
23 that you go, there's no way I agreed to do this?
24 A No.
25 Q Okay. So if you turn to page two of

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1 signed by Amazon Logistics, Inc. and Inpax Shipping
2 Solutions, correct?
3 A Yes.
4 Q But the copy we have doesn't have signed
5 signatures on it, does it?
6 A No.
7 Q Do you recall signing this document and just
8 the one we have that had the signatures isn't in front
9 of you?
10 A That's correct.
11 Q Okay. Now, having looked at the name Amazon
12 Logistics, Inc., is it your understanding that's the
13 company you've been dealing with, with regards to
14 providing delivery services?
15 A Yes. As far as this document goes.
16 Q Okay. We have others. The part of this
17 document that you negotiated would be Schedule... on
18 pages seven and eight, Schedule C and Schedule D, or
19 is it just Schedule D on page eight?
20 A Just eight, D.
21 Q Can you explain this Fees for Services to
22 me, just what it means?
23 A Yeah. So we would show up at -- this
24 particular warehouse is open from eight to midnight.
25 So I would schedule some drivers for four hours, some

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1 drivers had six hours, some had eight, and some had
2 10.
3 Q And this shows how much your company was
4 being paid for those four-, six-, eight- and 10-hour
5 routes?
6 A Yes.
7 Q That's not how much the drivers were paid
8 per se; that's how much your company was being paid,
9 and then you paid your drivers what you paid your
10 drivers?
11 A That's correct.
12 Q Okay. And this particular -- Plaintiff's
13 Exhibit Number 5 pertains to a location in the Atlanta
14 area?
15 A Yes.
16 Q Okay. Was there an agreement ultimately
17 prior to December of 2016 signed with regards to the
18 locations in the Chicagoland area; just like this, but
19 just referring to the Chicago locations?
20 A Yes, but.
21 Q Okay. I think I have it.
22 A Okay.
23 Q Okay. Let's just do one other thing.
24 According to this agreement, if you turn to page nine,
25 Schedule E, there was a uniform specification

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1 placard on it?
2 A No. I didn't know. Sometimes what they
3 would do, because they have -- if you deliver downtown
4 or something, you put it in your dash, they'll know
5 you're inside delivering.
6 Q This was actually on the back --
7 A He could --
8 Q -- an Amazon sign?
9 A He could have had it on there, yeah.
10 Q Okay.
11 A But this, they pretty much -- at one point
12 they were going to... they thought we were going to do
13 that, make that, enforce that policy, but they didn't
14 enforce that as much.
15 Q What did you understand the purpose
16 behind -- in this agreement, behind Amazon requiring
17 your drivers to wear an Amazon shirt and, in the cases
18 they did it, have an Amazon placard on the vehicle?
19 A I don't know why they would do that, but
20 other than they just wanted the customer, I guess, to
21 know that this was an Amazon package driver.
22 Q Okay. I mean, your drivers weren't working
23 wearing Inpax clothing, right?
24 A No.
25 Q And the vehicles didn't say "Inpax" on them,

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1 that Amazon had that your drivers had to wear
2 particular clothing; is that correct?
3 A Amazon shirts, yes.
4 Q Okay. So even though they were your
5 employees, directly employed by you, paid by you,
6 overseen by you, your drivers running these Amazon
7 routes had to wear Amazon shirts?
8 A Yes.
9 Q Okay. Did that remain true in Chicago?
10 A Yes.
11 Q At the time of Mr. Valdimar's occurrence
12 involving Miss Escamilla was he required to wear an
13 Amazon shirt driving Amazon routes?
14 A Yes.
15 Q If you take a look at Schedule F of
16 Exhibit 10, "Vehicle Branding Specifications." I take
17 that to mean that the vehicles -- the vehicles your
18 company owned or leased, driven by your drivers, Inpax
19 drivers, had to have a placard or placards on them
20 indicating they were Amazon, correct?
21 A In the beginning they thought we would do
22 this. But not -- they didn't hold us to this part of
23 it.
24 Q So are you aware of the fact that the cargo
25 van being driven by Mr. Gray actually had an Amazon

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1 did they?
2 A No.
3 Q If you take a look at Schedule G on page 11,
4 these were all of the requirements Amazon had of your
5 company -- for the drivers your company provided them
6 to deliver Amazon packages?
7 MR. McAVOY: Object to the form.
8 MR. FISHER: You don't really want to.
9 MR. McAVOY: What?
10 BY MR. FISHER:
11 Q Go ahead, you can answer.
12 MR. McAVOY: Can you repeat the
13 question.
14 (Whereupon the court reporter read
15 back the referred-to portion as
16 follows:)
17 THE REPORTER: "QUESTION: If you take
18 a look at Schedule G on page 11, these were all
19 of the requirements Amazon had of your company --
20 for the drivers your company provided them to
21 deliver Amazon packages?"
22 (Whereupon the reading back was
23 concluded.)
24 MR. FISHER: What's the objection? I
25 don't understand it.

<p style="text-align: right;">Page 114</p> <p>1 MR. McAVOY: You're talking too fast. 2 I didn't quite get it. 3 MR. FISHER: That I understand. 4 MR. McAVOY: Okay. 5 MR. FISHER: I happen to be a fast 6 talker. 7 A Yeah, similar. Yeah, we do the same thing 8 now. 9 BY MR. FISHER: 10 Q If your company back in 2015, back at the 11 time of the occurrence, even today, if your company is 12 going to provide delivery services with your drivers 13 to Amazon, these requirements must be followed? 14 A Yes. 15 Q These are Amazon requirements? 16 A For us, yes. 17 Q Okay. We can put that aside. 18 (Document marked for identification 19 as Plaintiff's Exhibit 6.) 20 BY MR. FISHER: 21 Q I'm going to show you now what I have marked 22 as Plaintiff's Exhibit 6 with today's date on it. 23 MR. FISHER: For the record, this 24 purports to be a delivery provider terms of 25 service, last updated June 21st, 2016. And it is</p>	<p style="text-align: right;">Page 115</p> <p>1 Bates stamped Amazon 118 through 129. 2 BY MR. FISHER: 3 Q Take a look at this. Tell me if you 4 recognize what it is. 5 A (Witness examining document.) Only thing, 6 you know, usually when I get a work order, I have -- 7 go back to Exhibit 5. Usually the standard work order 8 would have me a... of what I'm doing here, so. 9 Q I'm just asking if you recognize it. I 10 can't tell you that I know what it is. It was 11 provided to me by the attorneys for Amazon as being 12 somehow pertinent or relevant to this case. I don't 13 know, if you can't identify it, maybe someone 14 at Amazon will. I'm just asking, do you know what it 15 is? 16 A Yeah, I may have seen this before, but 17 usually, what I usually read is like it has a delivery 18 work, you know, similar to this thing right here 19 (indicating) the delivery provided terms of service 20 work order. And it would have attached what I'm doing 21 with the rates and where. So this, I can't really 22 speak to that, if I've seen this particular document. 23 Q Okay. 24 (Document marked for identification 25 as Plaintiff's Exhibit 7.)</p>
<p style="text-align: right;">Page 116</p> <p>1 BY MR. FISHER: 2 Q Let me show what I've marked Plaintiff's 3 Exhibit 7 for identification with today's date. 4 MR. FISHER: For the record, I'm 5 handing you Plaintiff's Exhibit Number 7, which 6 is identified as the 13th Amendment to Work Order 7 under the Delivery Provider Terms of Service. 8 A So, yeah. 9 BY MR. FISHER: 10 Q Appears to be dated September 25th, 2016. 11 It's effective as of that date according to the first 12 page. 13 On the second page or two of seven? 14 A Yeah. So this is what I was talking about. 15 I do recognize this. 16 Q Okay. So let's take a look at this. This 17 Plaintiff's Exhibit Number 7, what do you recognize 18 this to be? 19 A A updated work order. 20 Q Would this updated work order effective 21 September 25th, 2016, which it says "amends the work 22 order dated March 23rd, 2015," would this have been 23 applicable to the work that Valdimar Gray was doing on 24 the day of the occurrence in December of 2016? 25 A This one, yes.</p>	<p style="text-align: right;">Page 117</p> <p>1 Q It would be? 2 A This one, yeah, the 13th amendment. 3 Q Okay. And it appears that this 13th 4 amendment is between Inpax Shipping Solutions and 5 Amazon Logistics, Inc.? 6 A Yes. 7 Q That helps refresh your recollection that 8 that's the Amazon entity that you had contracted with? 9 A Well, I guess, in the beginning it 10 was Amazon, whatever that one was. 11 Q From -- in the beginning on Exhibit 5 it 12 was Amazon Logistics, Inc. 13 A No. Was it? 14 Q I'm looking under Work Order on Number 5, 15 page one, between Amazon Logistics, Inc. -- 16 A Okay. 17 Q -- and you. 18 A Right. 19 Q And the company's name, Inpax Shipping 20 Solutions. 21 A Right. 22 Q So it looks like that's the same entity 23 that's listed in Plaintiff's Exhibit Number 7, the 24 13th amendment; would you agree? 25 A Yes.</p>

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1 Q Okay. So it looks like from 2015 at least
2 through this amendment, the 13th, dated
3 September 25th, 2016, your company is entering into
4 agreements with Amazon Logistics, Inc.; would you
5 agree?
6 A Yes.
7 Q Are you aware of your company entering into
8 agreements with any other Amazon entity?
9 A No.
10 Q Okay. So if we turn to the second page of
11 Exhibit 7, two of seven, there's a signature page on
12 this, which Terry is very thankful for. And is
13 that -- under Inpax Shipping Solutions, is that your
14 signature?
15 A Yes.
16 Q And it looks like you signed this document
17 September 19th, 2016, correct?
18 A Yes.
19 Q And then for Amazon Logistics, Inc. it looks
20 like a gentleman by the name of Hany, H-A-N-Y, last
21 name E-L-K-O-R-D-Y signed for Amazon, correct?
22 A Hany.
23 Q And you recognize that gentleman?
24 A Yeah.
25 Q That's your point of contact regarding the

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1 understand that this would have been the agreement
2 that actually applied to the time period and location
3 where Mr. Gray struck Miss Escamilla?
4 MS. DIRCKS: Objection. Calls for a
5 legal conclusion.
6 A What was the question again?
7 BY MR. FISHER:
8 Q Yeah. This is the contract document that
9 applies to the time and place where Mr. Gray struck
10 Miss Escamilla?
11 MS. DIRCKS: Same objection.
12 BY MR. FISHER:
13 Q Is that true, in your opinion? Not true?
14 A Well, we had this contract at the time where
15 he -- when he had the accident, yes.
16 Q Okay. And the terms and conditions that are
17 contained within Plaintiff's Exhibit Number 7 were the
18 terms and conditions that applied between Amazon and
19 Inpax Shipping Solutions?
20 A Yes.
21 Q All right. And then if you turn to page
22 four of seven there's a fee schedule, Schedule D, Fees
23 Payable by Amazon.
24 A Yes.
25 Q And can you just explain to me, for

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1 work your company does for Amazon?
2 A No. He was just one of the Amazon people in
3 Seattle. Not my contact.
4 Q All right. And if you turn to page three of
5 seven, Schedule B, Distribution Points.
6 A Mhm-hm (affirmative).
7 Q This particular 13th amendment applies to
8 the 12 distribution points listed on page three of
9 seven, Schedule B?
10 A Mhm-hm (affirmative).
11 Q Yes?
12 A Yes.
13 Q And on those distribution points there's
14 three of them in the Chicagoland area; would you
15 agree?
16 A Yes.
17 Q DCH1 Alsip, Illinois; DCH2 Chicago,
18 Illinois; DCH3 Lisle, Illinois; and UIL1 Chicago,
19 Illinois, correct?
20 A Yeah, but I don't think DCH1 was in Alsip.
21 Q Where do you think it was?
22 A That South West 2801.
23 Q South Western Avenue?
24 A Whatever, yeah.
25 Q Okay. That's fair enough. So you

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1 different locations there's a different fee schedule?
2 A Yes.
3 Q And those are pretty self-explanatory?
4 A Yes.
5 Q All right. And then if you turn to page
6 five of seven of Plaintiff's Exhibit 7, Paragraph
7 Number 4 is entitled "Uniform and Vehicle Brand
8 Promotion Fee."
9 Do you see that?
10 A Yes.
11 Q It says: In consideration of accepting the
12 uniform and vehicle promotion fee, you agree that all
13 of your personnel who are visiting customer premises
14 or otherwise interacting with customers will wear a
15 uniform that complies with the specifications set
16 forth on Schedule E to this work order.
17 Did I read that correctly?
18 A Mhm-hm (affirmative), yes.
19 Q Let's take a look at Schedule E. Do you
20 know what the uniform requirements were for this
21 particular contractual documents? Was it the same as
22 what you had mentioned before, that your drivers are
23 wearing an Amazon shirt?
24 A I'd rather not guess. I'd like to see what
25 Schedule E is.

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1 Q I would too. It hasn't been provided to me,
2 unfortunately.
3 **A Because these things change so much, you**
4 **know.**
5 Q Do you have any idea if Mr. Gray was wearing
6 an Amazon shirt on the day of the occurrence?
7 **A No idea.**
8 Q Do you know what the uniform --
9 MS. DIRCKS: If you want me to clear
10 this up a little bit. The reason it's not
11 attached, I believe, is because it wasn't
12 changed.
13 MR. FISHER: Tell me why you think
14 that.
15 MS. DIRCKS: Because these are the only
16 things that were amended, Schedule B and Schedule
17 D, if you look on the very first page.
18 MR. FISHER: Oh.
19 BY MR. FISHER:
20 Q So if you take a look at the first page,
21 Item Number 3 says: No other amendments conflict.
22 So this refers to an amendment to the
23 original work order that was dated March 23rd, 2015,
24 which we've marked as Plaintiff's Exhibit 5; remember
25 that?

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1 Q Right. Which talked about the vehicle
2 placards.
3 **A Yeah.**
4 Q So again, even in the 13th amendment to the
5 original work order of March of 2015 there is a
6 reference to vehicles that your company is using with
7 your drivers to deliver Amazon packages will meet the
8 vehicle branding specification that we referred to
9 earlier saying there has to be an Amazon placard?
10 **A Yes.**
11 Q Okay. We can put that aside.
12 Let's talk about the day of the occurrence
13 and the occurrence to the extent that you know about
14 it. According to the police report, this occurrence
15 took place involving Mr. Gray and Miss Escamilla on
16 December 22nd, 2016. Do you have any reason to
17 disagree that that was the date of the occurrence?
18 **A No.**
19 Q Have you seen any accident or incident,
20 investigations or reports concerning the event?
21 **A Only what counsel have shown me.**
22 Q And that would have been today?
23 **A No, I've seen it before then, but basically**
24 **what we...**
25 Q Why don't we start off and talk about: How

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1 **A That's fair to say.**
2 Q So what this agreement says at the bottom,
3 tell me if you agree, is: Amendment Schedule B has
4 changed in this Plaintiff's Exhibit 7, and --
5 **A D?**
6 Q -- D has changed, but all other amendments
7 remain the same.
8 **A That's correct.**
9 Q All right. Having seen that, would you
10 agree pursuant to Plaintiff's Exhibit Number 5, your
11 drivers were still wearing, as of September 25th,
12 2016, and during the pendency of this amendment,
13 Amazon shirts?
14 **A Yes.**
15 Q And there's also a reference on page five of
16 seven, there's a reference in Subparagraph 4-B: All
17 of your vehicles will, while being used to provide
18 services under the agreement, meet the vehicle
19 branding-specific portions set forth on Schedule F
20 of -- to this work order.
21 Did I read that correctly?
22 **A Yes.**
23 Q And once again, there is no Schedule F
24 attached, so we have to go back --
25 **A To the original.**

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1 did you first learn of this incident?
2 **A Byron called me.**
3 Q Byron West?
4 **A Yes.**
5 Q And did he call you on the date of the crash
6 or did he call you the day after?
7 **A The day of.**
8 Q And do you recall approximately what time he
9 called?
10 **A It was in the afternoon.**
11 Q Byron West at that time was living in the
12 Chicagoland area?
13 **A Yes.**
14 Q Had he originally at some point lived in the
15 Atlanta area?
16 **A No.**
17 Q Were you social friends with him?
18 **A Not really.**
19 Q Just professional associates?
20 **A Yes.**
21 Q Okay. So he called you in the afternoon,
22 and to the best of your recollection, can you tell us
23 what he told you?
24 **A There had been a fatality in Chicago. Well,**
25 **originally he said... he said, We had a driver hit**

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1 someone.
2 But... and I asked: When you say hit
3 someone, he was talking about live, hit someone that
4 was walking. So at the time he didn't know if she was
5 passed away or not.
6 Q Okay.
7 A Then he called me later to tell me she did.
8 Q So he originally called you in the afternoon
9 and he tells you that there was...
10 A A driver that hit --
11 Q Someone?
12 A -- someone. So I assumed that hitting
13 someone was hitting a person in a car.
14 Q Another car, right?
15 A Then he explained to me, no, he hit a
16 person.
17 Q Okay. Did he give you -- did he explain to
18 you anything else about how or why the occurrence took
19 place other than it was a vehicle striking a person?
20 A He didn't. That's all he said at that time.
21 Q Okay. After that phone call took place --
22 did you take any notes, by the way, create any
23 documents?
24 A No, I remember it because I was in the gym.
25 Q Okay. And then in response to that phone

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1 occurrence?
2 A Yeah. David, our CFO.
3 Q And he wasn't in the Chicagoland area?
4 A No.
5 Q And you spoke to David approximately what
6 time?
7 A Right after I talked to Byron.
8 Q The first time or the second time?
9 A Second time.
10 Q And tell me what you and David discussed.
11 A That we had had a pedestrian that our driver
12 hit and she had passed away.
13 Q Did he make -- did he have any suggestions
14 on what you and/or the company should do at that
15 point?
16 A No. I mean, we know pretty much Byron
17 followed the procedures of what to do, you know, drug
18 test the driver and Breathalyze him.
19 Q How did the drug test come out?
20 A Negative.
21 Q Okay. Did David have any, you know, you
22 talked to David, you told him what you had learned.
23 Did he say anything else, any response?
24 A I don't remember.
25 Q Okay. Did you speak to anyone else the day

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1 call, did you do something or tell somebody to do
2 something?
3 A I told Byron to just keep me posted with
4 what's going on. Then he called me, you know, later
5 on, a few hours later and told me that the lady that
6 was struck passed away at the hospital.
7 Q Did he tell you anything else at that time?
8 A That was it.
9 Q Did you have any questions for him?
10 A (There was no response.)
11 Q Because so far he told you there was an
12 accident, it involved a pedestrian, the pedestrian has
13 passed away.
14 A Yeah. So I just asked him how did it
15 happen. He didn't know a whole lot at that time, so
16 he said let him investigate everything and he'll get
17 back with me.
18 Q Okay.
19 A But the -- I think the driver was pretty
20 shook up. So that conversation didn't happen until
21 the next day.
22 Q Okay. So let's continue to just talk about
23 December 22nd, 2016. Besides these two telephone
24 conversations with Mr. West, did you have any
25 conversations with anybody else that day about the

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1 of the occurrence, which is the 22nd of December 2016,
2 other than these three conversations you've just
3 described?
4 A I don't remember. If it was, it wasn't
5 relevant to that.
6 Q Did you prepare any documents, either
7 e-documents, e-mails, written documents?
8 A Not me, no.
9 Q Did you require or request anybody who
10 worked for you in your company to prepare any
11 documents in response to this event?
12 A There's -- there should be some documents
13 that they prepared for this, like, for example, the
14 protocol of what happens when an accident happened.
15 So yes, there's going to be some documents.
16 Q Okay. So I'm asking you, did you --
17 A Not me, no.
18 Q I'm asking you.
19 A I'm not in the -- I'm not involved in that.
20 Q You're not part of the process?
21 A No.
22 Q Other than being notified?
23 A That's correct.
24 Q What I'm asking you is, did you, on the day
25 you learned of this occurrence, did you give

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1 directions to any of your employees to do something?
2 **A Yeah, I just told Byron: Make sure you**
3 **follow the proper procedures, the drug screen, the**
4 **Breathalyzer test for the driver.**
5 Q Do you know what documents, if any,
6 e-documents, handwritten documents, were prepared by
7 members of your organization?
8 **A No.**
9 Q Have you ever seen any documents that were
10 prepared by members of your organization following
11 this occurrence? And it doesn't have to be the day
12 of; it can be the day of, the week of, the month of.
13 **A I can't recollect. I'm quite sure I've read**
14 **the case file and seen everything.**
15 Q I understand that you met with Mr. McAvoy
16 before we started here today.
17 **A Uh-huh (affirmative).**
18 Q Which, of course, is your right to do.
19 **A Right.**
20 Q I'm not allowed to ask you what you and he
21 spoke about because he's your attorney, but I am
22 allowed to ask you what he showed you and what you
23 looked at. So that's what I'm asking you right now.
24 What did he show you, what have you looked at?
25 **A We just looked at the pictures of the scene.**

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1 Q Were you also shown, besides the pictures,
2 any other documents?
3 MR. McAVOY: Today?
4 MR. FISHER: Today or any day.
5 **A Not today.**
6 BY MR. FISHER:
7 Q How about other days?
8 **A Yeah.**
9 Q Police reports, incident reports?
10 **A Police reports and, you know, your filings.**
11 Q Okay. You've seen my Answers to
12 Interrogatories?
13 **A Some of 'em.**
14 Q Have you seen my Complaint at Law?
15 **A I think so.**
16 Q You read the police report. Did you read
17 the statement of the eyewitness?
18 **A I don't recall.**
19 Q Have you ever read the statement of the
20 eyewitness?
21 **A I probably have but I don't remember what it**
22 **said.**
23 Q You don't?
24 **A No.**
25 Q Okay. I want to go back to the next day,

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1 MR. FISHER: Terry, can I see the
2 pictures you showed him?
3 MR. McAVOY: I believe I showed him two
4 pictures. All these photos have been produced,
5 Mike.
6 MR. FISHER: Terry, I'm not claiming
7 otherwise.
8 BY MR. FISHER:
9 Q Terry's just indicated to me that he showed
10 you two photographs; is that your recollection?
11 **A Yes.**
12 Q Are those the only two photographs you've
13 ever seen of the scene of this occurrence?
14 **A Like I said, I seen -- I think I've seen all**
15 **the photographs, but today just, he showed me these**
16 **two.**
17 Q On days prior to today, have the attorneys
18 sent you other photographs to look at?
19 **A I've had that same report, yes. I've seen**
20 **that before.**
21 Q What same report are you referring to?
22 **A All that same pictures.**
23 Q The two pictures that Terry just referred
24 to?
25 **A Yes.**

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1 the day following this accident. Who did you talk to
2 about this occurrence?
3 **A Byron.**
4 Q What time did you speak to Byron on the 23rd
5 of December?
6 **A That morning.**
7 Q What did he say to you and what did you say
8 to him that day?
9 **A Asked him about the police report. He said**
10 **he would look into it and research it and go down**
11 **there.**
12 Q So you asked him to get you the police
13 report, you wanted to see it?
14 **A Yes.**
15 Q What else did you talk about?
16 **A I don't remember.**
17 Q Had he spoken to Mr. Gray by that time?
18 **A I think Mr. Gray -- I don't know if it was**
19 **that day or the next, it may have been a couple days**
20 **later. I don't think he talked to him the next day.**
21 Q Did you have an understanding Mr. Gray was
22 arrested at the scene?
23 **A Yes, I think so.**
24 Q Taken in?
25 **A Yeah.**

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1 Q Who else did you talk to on 12/23/16, the
2 day after this occurrence, besides that morning
3 conversation with Mr. West who you referenced the
4 police report? And by the way, did he say anything
5 else, give you any other information?
6 MR. McAVOY: Objection. You got to
7 slow down.
8 A I just don't remember. I don't really
9 remember other than the key fact I asked about the
10 police report. Anything else that day, I probably
11 wouldn't remember.
12 BY MR. FISHER:
13 Q Okay. I just want to make sure, all right?
14 Did you speak to anyone else on the 23rd besides
15 Mr. Byron West in the morning?
16 A I don't remember.
17 Q Okay. Let's talk about the next five days,
18 so that whole first week. Did you speak to anyone
19 else about this occurrence?
20 A Not to my knowledge.
21 Q Did you receive any reports, incident
22 reports, accident reports, police reports?
23 A Took a while to get the police report for
24 some reason.
25 Q Ultimately when you got the police report,

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1 the time he hit her?
2 A Don't know.
3 Q Do you know whether or not Mr. Gray has been
4 alleged to have ran two stop signs preceding his
5 striking Miss Escamilla?
6 A No.
7 Q You haven't heard that?
8 A No.
9 Q You understand Mr. Gray has been charged
10 with vehicular homicide, correct?
11 MR. McAVOY: Objection to the form of
12 the question.
13 A Not to my knowledge.
14 BY MR. FISHER:
15 Q You didn't?
16 A I saw the -- where you were -- it was in one
17 of the documents that I read that.
18 Q Do you know there's charges pending against
19 him right now for vehicular homicide?
20 A No.
21 MR. McAVOY: Objection to the form. I
22 think it's reckless homicide, the charges.
23 MR. FISHER: Yeah, it could be.
24 BY MR. FISHER:
25 Q And he has an upcoming trial. You didn't

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1 what do you recall about it?
2 A It was pretty vague other than the fact
3 that, you know, there was an accident. But I don't
4 remember. I can't -- it's been so long, man, I don't
5 remember.
6 Q Okay. So you said at some point in time
7 that Mr. West had spoken to Mr. Gray; that was your
8 understanding?
9 A Yeah.
10 Q Did Mr. West tell you what Mr. Gray had told
11 him about the occurrence?
12 A The only thing I can recollect was that he
13 told me how distraught the guy was. He didn't really
14 go into detail other than the fact that he indicated
15 that the lady walked out in front of him.
16 Q Do you know whether or not the lady who was
17 killed in this accident, Miss Escamilla, do you know
18 if she was in a crosswalk or not when she got hit?
19 A I don't know.
20 Q Do you know when Miss Escamilla got hit, if
21 she was in the first third of the street, the middle
22 of the street or had already crossed over two-thirds
23 of the street when she got hit?
24 A I don't know.
25 Q Do you know what speed Mr. Gray was going at

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1 know that?
2 A Not to my knowledge.
3 Q Okay. Did you know that there was an
4 eyewitness who was behind Mr. Gray for the two stop
5 signs preceding where he hit Miss Escamilla and she
6 has given a statement that he did not stop at either
7 of those stop signs?
8 MR. McAVOY: Let me just object to the
9 form of the question insofar as it's my
10 understanding that this alleged eyewitness may
11 have changed her story about the stop signs.
12 MR. FISHER: I haven't seen anything to
13 the contrary of the statements she's given, but.
14 A No.
15 BY MR. FISHER:
16 Q Okay. So because you don't know -- you
17 didn't know that Mr. Gray was charged with reckless
18 homicide, you don't know why he was charged with that,
19 do you?
20 A No.
21 Q Do you know what speed Mr. Gray was going at
22 the time he struck Miss Escamilla?
23 MR. McAVOY: Objection. Asked and
24 answered.
25 A No.

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1 BY MR. FISHER:
2 Q Do you know how old Miss Escamilla was?
3 A I think they said 83 or 84.
4 Q Okay. And when you heard that Mr. Gray --
5 when Byron West said Mr. Gray said that she walked out
6 in front of Mr. Gray's vehicle, did you picture in
7 your mind that she had ran out into the street when he
8 said that, as opposed to an 84-year-old woman crossing
9 the street?
10 MS. DIRCKS: Objection. Foundation.
11 MR. McAVOY: Objection.
12 A I didn't think about it. No.
13 BY MR. FISHER:
14 Q Didn't think about it one way or another?
15 A Well, I mean, I'm quite sure I had thoughts
16 but it wasn't what you're saying.
17 Q Have you spoken to a single person who's
18 witnessed the occurrence?
19 A No.
20 Q Ever speak to Mr. Gray?
21 A Nope.
22 Q Ever speak to any of the police officers who
23 investigated this occurrence?
24 A No.
25 Q Do you know for how long Miss Escamilla

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1 MR. FISHER: We've taken a number of
2 breaks, so we're at the three-hour --
3 MR. McAVOY: Two short breaks, but. I
4 mean, you're obviously just drilling him with
5 questions -- with questions that he obviously
6 cannot know.
7 MR. FISHER: Terry, how do I know what
8 he's --
9 MR. McAVOY: But go ahead.
10 MR. FISHER: -- gonna say at trial?
11 MR. McAVOY: Oh, sure. He knew,
12 sitting in Atlanta, in his office in Atlanta or
13 somewhere in Atlanta, he knows the position of
14 Miss Escamilla walking across this intersection?
15 MR. FISHER: Well, now I know he
16 doesn't know --
17 MR. McAVOY: How he knows --
18 MR. FISHER: -- so I know he won't
19 testify to that at trial.
20 MR. McAVOY: How he knows, he could
21 possibly know what speed limit the vehicle was
22 going? He couldn't possibly know some of these
23 answers to any of these questions.
24 MR. FISHER: Terry, he thought, based
25 on Mr. West's conversation with him, that my

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1 lived before expiring following this occurrence?
2 A Not exactly.
3 Q Do you know who she's survived by, who her
4 immediate family is, how many children she has, things
5 of that nature?
6 A No.
7 Q Do you know what street Mr. Gray was
8 traveling on in the minute before this occurrence?
9 A No.
10 Q Do you know what direction he was traveling?
11 A No.
12 Q Do you know how fast he was going?
13 A No.
14 Q Do you know the speed limit of that street?
15 MR. McAVOY: Objection.
16 A No.
17 BY MR. FISHER:
18 Q Do you know --
19 MR. McAVOY: Let me -- we're at about
20 the three-hour, Mike, three-hour. Are you almost
21 done?
22 MR. FISHER: Getting there.
23 MR. McAVOY: What does that mean?
24 MR. FISHER: I'm getting there.
25 MR. McAVOY: Close?

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1 client somehow walked out in front of this
2 vehicle.
3 MR. McAVOY: Counsel, I'm just asking
4 you, are you almost done, because we're almost --
5 MR. FISHER: And I'm telling you, I'm
6 getting there.
7 THE WITNESS: What's getting there?
8 MR. McAVOY: You can't give me
9 anything? Because we're -- you got about another
10 10 minutes, if that.
11 MR. FISHER: Terry, if you choose to
12 terminate this deposition, then we'll see what
13 Judge Flanagan has to say about it. That's all I
14 can tell you. It's up to you.
15 MR. McAVOY: Well, three-hour rule, so
16 I'll give you another 10 minutes.
17 MR. FISHER: You do what you think you
18 gotta do. I would hate to see them drag him into
19 Chicago.
20 MR. McAVOY: We'll hate to drag you
21 back down here to Atlanta again, Mike.
22 MR. FISHER: I'll bet you, Terry.
23 Let's put money on it.
24 BY MR. FISHER:
25 Q Did you know if Mr. Gray was issued

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1 citations at the time of his arrest?
2 **A No.**
3 Q Did you know that he was issued a citation
4 for failure to yield a right-of-way to a pedestrian in
5 a crosswalk?
6 **A No.**
7 Q Have you ever seen his arrest report, by the
8 way?
9 **A No.**
10 Q Did you know that he didn't have proof of
11 insurance with him at the time of the occurrence?
12 **A No.**
13 Q Did you know that he didn't have a driver's
14 license with him at the time of the occurrence?
15 **A I think I heard that, yeah.**
16 Q Should he have, according to your company's
17 rules, had proof of insurance and a driver's license
18 with him if he was doing a delivery for your company?
19 **A Driver's license.**
20 **Proof of insurance, you got it, you can just**
21 **pull it up.**
22 Q Did you know he was issued two citations for
23 failing to stop at a stop sign?
24 **A No.**
25 Q You've never seen the arrest report?

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1 Q I'm sorry, Amazon?
2 **A Yes.**
3 Q That's an Amazon?
4 **A Well, it's my Rabbit but Amazon puts the app**
5 **on it.**
6 Q Do you know where the particular Rabbit that
7 Mr. Gray was using on the day of the occurrence is at
8 this point?
9 **A No.**
10 Q As I understand it, your company provided an
11 underlying policy of insurance of \$1 million with a
12 umbrella policy of an additional \$4 million?
13 **A Yes.**
14 Q That would have covered this occurrence?
15 **A Yes.**
16 Q Any additional insurance?
17 **A No.**
18 Q Should a driver working for your company
19 yield to pedestrian traffic in a crosswalk?
20 **A Yes.**
21 Q If a driver working for your company fails
22 to yield to a pedestrian in a crosswalk, would it be a
23 violation of your company rules?
24 **A Sure.**
25 Q Would that be unreasonably dangerous to do,

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1 **A No.**
2 Q Okay. What devices did your company issue
3 to Mr. Gray that he would utilize in his delivery
4 route? Is it called a Rabbit, a handheld device of
5 some sort?
6 **A Yeah.**
7 Q Is it called a Rabbit?
8 **A Yes.**
9 Q Okay. Is he supposed to use that in the
10 vehicle or should that only be used when the vehicle
11 is stopped and parked?
12 **A He uses it -- well, it gives you the GPS.**
13 **It has the GPS on it so it gives you the direction.**
14 Q Has anybody ever run the diagnostics on that
15 Rabbit to determine if at the point of impact if
16 Mr. Gray had that Rabbit in his hand or not?
17 **A No.**
18 Q Is there a way to do that, that you know of?
19 **A I don't know.**
20 Q The Rabbit that he would have had the day of
21 the occurrence, Mr. Gray, was that turned in to your
22 office?
23 **A No.**
24 Q Who owns that Rabbit?
25 **A Amazon.**

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1 fail to yield to a pedestrian in a crosswalk?
2 **A Yes.**
3 Q Should a driver of one of your delivery
4 vehicles fail to stop at a stop sign?
5 **A Should they? No.**
6 Q They should stop at every stop sign, right?
7 **A Yes.**
8 Q Complete and full stop, true?
9 **A That is correct.**
10 Q If a driver of one of your delivery vehicles
11 failed to come to a stop at a stop sign, would that be
12 a violation of your company rules?
13 **A Yes.**
14 Q Would that be an unreasonably dangerous act?
15 **A Yes.**
16 Q Should a driver of one of your vehicles in
17 doing deliveries not exceed the speed limit, should
18 they stay within the speed limit?
19 **A Yes.**
20 Q The video that you saw, doesn't it tell the
21 drivers that they should stay within the speed limit?
22 **A Yes.**
23 Q If a driver fails to stay within the speed
24 limit and he's working for your company, would that be
25 a violation of your company's rules, trainings and

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1 policy?
2 **A Yes.**
3 Q Would that be unreasonably dangerous
4 conduct?
5 **A Yes.**
6 Q Should a driver of one of your delivery
7 vehicles be aware of the things in front of him during
8 a left-hand turn?
9 **A Say that again.**
10 Q Should a driver of one of your delivery
11 vehicles be aware of what's in front of him during a
12 left-hand turn?
13 **A Yes.**
14 Q Would a driver who is unaware of what's in
15 front of him during a left-hand turn be in violation
16 of your company's policies and procedures?
17 **A Yes.**
18 Q Would it be unreasonably dangerous for a
19 driver making a left-hand turn, an Inpax vehicle, to
20 not know what's in front of him?
21 **A He should know what's in front of him.**
22 Q Should a driver of an Inpax vehicle making
23 deliveries of Amazon packages be especially cautious
24 traveling through an intersection?
25 MR. McAVOY: Objection to the form:

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1 **should be cautious of everything.**
2 BY MR. FISHER:
3 Q Should a driver of an Inpax vehicle doing
4 deliveries of Amazon packages, when approaching
5 pedestrians, make himself known to that pedestrian by
6 either eye contact, flashing lights or honking his
7 horn?
8 MR. McAVOY: Objection. Calls for
9 speculation.
10 **A I don't know.**
11 BY MR. FISHER:
12 Q Do you remember seeing that in the video?
13 That's what the video says.
14 **A Well, he should follow the video.**
15 Q If the video says that a driver of an Inpax
16 vehicle approaching a pedestrian, that he should make
17 himself visible by either eye contact, honking his
18 horn, flashing his lights, would you disagree with
19 that?
20 MR. McAVOY: Objection.
21 **A I don't remember what it says.**
22 BY MR. FISHER:
23 Q Should your driver --
24 MR. McAVOY: Objection.
25 **A Follow what was on the video? If that was**

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1 "Especially."
2 **A All of us should be cautious when we're**
3 **crossing.**
4 BY MR. FISHER:
5 Q I only used the word "especially" because
6 it's in the video you saw.
7 **A Okay, well, yeah, if it's in there, yes.**
8 Q Would you agree?
9 **A Yes.**
10 Q And if a driver of an Inpax vehicle was not
11 especially cautious traveling through an intersection,
12 would that be a violation of company rules?
13 **A Yes.**
14 Q Would that be dangerous?
15 **A Yes.**
16 Q Should a driver of one of your delivery
17 vehicles be especially cautious when making a
18 left-hand turn?
19 MR. McAVOY: Especially?
20 MR. FISHER: Especially cautious.
21 MR. McAVOY: Objection to the form.
22 MR. FISHER: I'm only --
23 MR. McAVOY: But you can answer.
24 MR. FISHER: It's in the video.
25 **A They should be cautious. At all times they**

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1 **in there, that's what he should do.**
2 MR. McAVOY: Okay. Now we're after --
3 it's after 2:00 o'clock, Mike. Are you done?
4 MR. FISHER: Nope.
5 MR. McAVOY: Then we're done. It's
6 after 2:00 o'clock. We've been going at it for
7 more than three hours.
8 **THE WITNESS: Yeah, yeah. I got to get**
9 **to a meeting.**
10 MR. FISHER: One more question.
11 BY MR. FISHER:
12 Q Do you have any criticisms of
13 Miss Escamilla, the person who's dead?
14 **A Huh?**
15 Q Do you have any criticisms of the conduct of
16 Miss Escamilla with regards to this occurrence?
17 MR. McAVOY: Objection. Calls for
18 speculation. He wasn't there, he doesn't know
19 what happened.
20 **A I don't. Like I said, no, I don't.**
21 MR. FISHER: Okay. Those are all the
22 questions I have. Thank you.
23 MR. McAVOY: Thank you.
24 Oh, one question, Mr. Wright.
25

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1 EXAMINATION
2 BY MR. McAVOY:
3 Q He asked you earlier, Mr. Wright, about
4 Exhibit Number 3, which was the handbook for Inpax
5 Shipping.
6 A Yes.
7 Q And rules of the roads and handbooks,
8 et cetera. On page 55 it says -- one of the
9 provisions is: Uphold the law - and I'm reading from
10 page 55 - Inpax Shipping Solutions' commitment to
11 integrity begins with complying with laws, rules and
12 regulations where we do business.
13 And the paragraph continues: That includes
14 complying with the rules of the road, correct?
15 A That's correct.
16 Q Okay. Thank you.
17 MR. McAVOY: We'll reserve signature.
18 You don't have any questions or do you?
19 MS. DIRCKS: No, I don't.
20 MR. McAVOY: Okay, thank you. We'll
21 reserve.
22 (Whereupon the above-entitled
23 matter was concluded at 2:05 p.m.)
24
25

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1 REPORTER'S CERTIFICATE
2 STATE OF GEORGIA:
3 COUNTY OF FULTON:
4
5 I hereby certify that the forgoing transcript
6 was reported, as stated in the caption, and the
7 questions and answers thereto were reduced to
8 typewriting under my direction; that the foregoing
9 pages represent a true, complete and correct
10 transcript of the evidence given upon said hearing,
11 and I further certify that I am not of kin or counsel
12 to the parties in the case; am not in the employ of
13 counsel for any of said parties; nor am I in any
14 way interested in the result of said case.
15
16 *Shari L. Snow*
17 Shari L. Snow, B-2258
18
19
20
21
22
23
24
25

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1 DISCLOSURE
2
3 Pursuant to Article 10.B of the Rules and
4 Regulations of the Board of Court Reporting of the
5 Judicial Council of Georgia, I make the following
6 disclosure:
7 I am a Georgia Certified Court Reporter.
8 I am here as a representative of Premier Reporting.
9 Premier Reporting was contacted to provide court
10 reporting services for the deposition. Premier
11 Reporting will not be taking this deposition under any
12 contract that is prohibited by O.C.G.A. 9-11-28(c).
13 Premier Reporting has no contract/agreement
14 to provide reporting services with any party to the
15 case, any counsel in the case, or any reporter or
16 reporting agency from whom a referral might have been
17 made to cover this deposition.
18 Premier Reporting will charge its usual and
19 customary rates to all parties in the case, and a
20 financial discount will not be given to any party to
21 this litigation.
22 *Shari L. Snow*
23 Shari L. Snow
24 B-2258
25

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1 DEPOSITION ERRATA SHEET
2 Deponent: LEONARD WRIGHT
3 Deposition Date: January 25, 2019
4 To Reporter:
5 I have read the entire transcript of my deposition
6 taken in the captioned matter or the same has been
7 read to me. I request that the following changes be
8 entered upon the record for the reasons indicated. I
9 have signed my name to the Errata Sheet and
10 appropriate certificate and authorize you to attach
11 both to the original transcript.
12 Page No. ___ Line No. ___ Change to: _____
13 Reason for Change: _____
14 Page No. ___ Line No. ___ Change to: _____
15 Reason for Change: _____
16 Page No. ___ Line No. ___ Change to: _____
17 Reason for Change: _____
18 Page No. ___ Line No. ___ Change to: _____
19 Reason for Change: _____
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21 Reason for Change: _____
22 Page No. ___ Line No. ___ Change to: _____
23 Reason for Change: _____
24 Page No. ___ Line No. ___ Change to: _____
25 Reason for Change: _____

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1 Page No. ___ Line No. ___ Change to: _____
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22 Reason for Change: _____
23
24 SIGNATURE: _____ DATE: _____
25 LEONARD WRIGHT

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